

## AFRICA

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### ANGOLA

The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. The country's competing independence movements began a civil war immediately after independence, which lasted until the signing of the Bicesse Accords in 1991. Under the Bicesse Accords, one-party rule ended with the passage of a new Constitution that legalized opposition parties and called for U.N.-monitored elections which were held in 1992. President Jose Eduardo Dos Santos of the MPLA won a plurality of the votes cast in an election that U.N. observers considered free and fair. The National Union for the Total Independence of Angola (UNITA), under the leadership of Jonas Savimbi, rejected the results of the vote and resumed the civil war. In 1994 in an effort to end the civil war, the Government and UNITA signed the Lusaka Protocol, which called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol, although the conduct of the police and, to a lesser extent, military units in former UNITA areas drew widespread criticism. UNITA failed to comply with several fundamental aspects of the protocol. It maintained a significant military capability, and it refused to surrender to state administration the territory it held. At the end of 1998, fighting resumed between the Government and Jonas Savimbi's armed faction of UNITA. A splinter group of UNITA called UNITA-Renovada and another larger peaceful faction of UNITA both rejected war; during the year, the two groups continued to pursue their goals through peaceful political activity, including as members of the National Assembly. In late 1999, a massive offensive by the Angolan armed forces (FAA) destroyed the conventional military capacity of UNITA, and by January drove the rebels from their heartland on the central plateau into the country's far east and into scattered pockets elsewhere. By March the FAA had consolidated its military control of most of the nation's territory; however, UNITA reorganized itself as a guerrilla force and carried out ambushes or attacks on lightly defended targets. In June 1999, the National Assembly voted to postpone new elections indefinitely due to the renewal of conflict; during the year, the Government stated its intention to hold elections in 2001, but later postponed them until 2002. The judiciary, where it functions, is subject to the influence of the President and the MPLA in practice.

The Ministry of Interior is responsible for internal security, a function that it exercises through the Angolan National Police (ANP), the Rapid Intervention Police (PIR), which was created in 1992 as an elite paramilitary force, and other organs of state security. The Armed Forces of Angola (FAA) are responsible for protecting the State against external threats and have intervened in regional conflicts every year since 1996. The FAA claimed that it had integrated more than 10,000 UNITA soldiers since the 1999 fall offensive. With the resumption of localized hostilities within the country, the FAA became involved in counterinsurgency operations against UNITA. The FAA also is involved in similar operations, although on a smaller scale, against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC). The Government's security forces remain firmly under civilian leadership. Security forces committed numerous, serious human rights abuses.

The security factors that inhibited the country's transition to full multiparty democracy had a similar effect on the country's transition from a directed, state-dominated economic system to one based on market principles. Forty percent of the budget remains dedicated to defense (or 22 percent of gross domestic product (GDP)). The economy was in disarray and despite abundant natural resources, output per capita is extremely low. Angola produces more than 750,000 barrels of oil per day, a total that is expected to rise to over 1 million by the end of 2002. Due

to its control of oil revenues, the parastatal oil company Sonangol plays a dominant role in both the economy and government. The country produced an estimated \$600 million worth of diamonds in the areas controlled by the Government. There also are lucrative untapped mineral, agricultural, and hydroelectric resources in the country; however, corruption and mismanagement are pervasive in the public sector and widespread in the private sector. The Government has begun to liberalize its import regimes and reform its regulatory agencies to better allow the importation of the goods and services on which the economy depends. Annual per capita GDP was approximately \$450. The country's wealth continued to be concentrated in the hands of a small elite who often used government positions for massive personal enrichment, and corruption continued to be a common practice at all levels. The average monthly salary of urban wage earners (approximately 20 percent of the labor force) was far below what is required for basic subsistence, and rural wages are even lower because the majority of the rural economy is dependent on subsistence agriculture and is highly vulnerable to political unrest.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. Citizens have no effective means to change their government. Members of the security forces committed extrajudicial killings, were responsible for disappearances, and tortured, beat, raped and otherwise abused persons. The Government often failed to pay the salaries of the majority of its security service personnel. The poor discipline and poor working conditions of the police force made it the worst offender; military units generally have better discipline and a more effective chain of command. Other than those personnel assigned to elite units, the Government gives tacit permission for security personnel to supplement their income—through the extortion of the civilian population. Prison conditions were harsh and life threatening. The Government routinely used arbitrary arrest and detention, and lengthy pretrial detention is a problem. Although the Government made some efforts to discipline members of the security services for abuses, the Government often did not punish those in the security services who were responsible for abuses. The judiciary is subject to executive influence, only functions in certain parts of the country, and does not ensure due process. The legal code and rules of procedure remain outdated. The Government infringed on citizens' privacy rights and forcibly recruited military-age males. The Government at times restricted freedom of speech and of the press, and intimidated journalists into practicing self-censorship. A Government crackdown on the independent media continued until March and resulted in the harassment, arrest, detention, and trials of journalists; however, by April the Government expanded the limits of public expression in most areas of the country. The Government restricted freedom of assembly. The Government restricted association and movement; however, it allowed some peaceful public protest. The Government continued to limit independent investigations of human rights abuses, although it allowed international human rights organizations, including Amnesty International, to conduct research in the country. Violence and discrimination against women were common; adult and child prostitution are problems; and children and the disabled continued to suffer as a result of the ongoing conflict and poor economic conditions. The Government continues to dominate the labor movement and restricts workers' rights, although there were improvements in the independent labor sector. Forced labor, including forced child labor, is a problem.

The armed faction of UNITA under Savimbi was responsible for numerous, serious abuses during the year; the other two factions of UNITA were not responsible for abuses. The armed UNITA forces, under the control of Jonas Savimbi, were responsible for killings, disappearances, torture, rape, and other abuses. UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA prevented freedom of speech, the press, assembly, association, and movement. UNITA refused all attempts to conduct investigations in areas under its control. UNITA continued forced military recruitment, including of underage males, and used forced labor for a large part of its local-level logistical support. The sexual abuse of women conscripted to work as porters was common in UNITA areas.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces committed extrajudicial killings. Police participated in shakedowns, muggings, and carjackings. There were reports that army units engaged in a scorched earth policy during the year, burning villages and killing civilians in Cuando Cubango and Lunda Sul provinces. There were also reports that soldiers summarily executed civilians.

There were reports that Government soldiers killed civilians in Namibia. After Namibia decided in December 1999 to allow FAA to launch anti-UNITA attacks from Namibian territory, there was extensive cross-border fighting which resulted in civilian deaths and injuries. FAA soldiers killed a number of Namibian civilians during the year. On January 22, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. No further information was available on the case at year's end. On May 27, an FAA member killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. An FAA member was arrested by police in Namibia; there was no further information available on the case at year's end. In July the army executed two Namibian civilians and injured another.

Some individual members of the FAA reportedly also committed summary executions in the Republic of the Congo.

Prison conditions are life threatening due to inadequate food, medicine, and sanitation, and many prisoners died in official custody (see Section 1.c.).

In December 1999, there was an unconfirmed report that the FAA killed 47 civilians during operations in the Lunda Sul province. There was no investigation into the incident nor was any action taken by year's end. In February 1999, government forces reportedly killed several civilians after retaking the town of Mbanza Congo from UNITA. There was no investigation into the incident nor action taken by year's end.

There were no investigations into, nor was any action taken against those responsible for the extrajudicial killings of more than 40 persons during 1998, including the UNITA provincial secretary in Xa-Cessau, the UNITA communal secretary of Quibaxe, and the local UNITA secretary of Cangundu.

Numerous localities changed hands during the year, a process that often involved the extrajudicial killing of government or UNITA administrators and persons accused of collaboration. Internally displaced persons and refugees risked their lives to flee to government-held areas or neighboring countries. Undocumented Congolese workers in diamond fields were targeted by government or UNITA forces seeking to take control of alluvial diamond mining operations. An unknown number of civilians died in the course of engagements between the security services and insurgents, particularly in the Central Highlands and in the northwest. Strong anecdotal information suggested that both sides summarily executed prisoners of war (POW's).

On January 12, over 100 persons reportedly were killed in Bie province. Although there were unconfirmed reports that UNITA killed 150 persons while passing through the area, other observers claimed that these persons were killed by the Government for being too sympathetic to UNITA. There were reports that at least one mass grave was discovered in the area, which the Government attributed to UNITA.

During the year, there was a conviction in the case of the 1996 killing of state-television reporter Antonio Casimiro (see Section 2.a.).

UNITA used landmines in Namibia, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. At the end of September, the Government reported that more than 130 persons had been killed or injured by landmines in Namibia. Landmine explosions killed at least 10 civilians and injured 36 others in the Kavango region of the country by the end of June.

Both Government and UNITA forces continued to use antipersonnel landmines (see Section 1.g.). According to the National Institute for the Removal of Explosive Obstacles and Devices, a government agency, 100 persons were killed and 327 were injured by landmine explosions during the first half of the year; most of the incidents occurred in areas that had been mined by UNITA. There was an unconfirmed report that on February 17, 10 persons were killed and 18 were injured when a truck hit an antitank mine. In April 33 persons were killed and 17 injured, including two young children, in two landmine attacks in the province of Uige. The Government blamed UNITA rebels for the deaths.

UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA troops committed numerous extrajudicial killings during attacks on villages. Interviews with many refugees indicated that UNITA committed abuses, including public extrajudicial killings, as a deliberate policy. On February 6, UNITA shelled and attacked Santa Clara in Cunene province; at least 26 civilians were killed and more than 40 were injured. There was an unconfirmed report that on March 21, UNITA rebels stoned and crucified six children for allegedly giving information to the Government. On May 20 and 21 in Bie province, UNITA attacked and looted a hospital in Camacupa. On June 7, the government press reported the discovery of 17 mass graves in the Bie province, each containing more than 100 bodies; however, the report was not confirmed by independent sources by year's end. On July 8, an orphanage in Huambo province was attacked and looted, reportedly by 100

UNITA bandits; a teenager was killed, 4 were injured, and 25 were kidnaped. On August 8, UNITA rebels killed four civilians during an attack on the town of Catete.

UNITA killed numerous civilians during attacks on civilian traffic on roads in the interior of the country; such attacks were designed to halt transportation, disrupt commerce, isolate populations, and maintain a climate of insecurity. Many such attacks occurred on the Malanje-Luanda road during the year.

UNITA forces reportedly killed 80 Christians during the year for providing information to the Government (see Section 2.c.).

During raids in the Kavango and Caprivi regions of Namibia, UNITA forces killed civilians. On January 9, suspected UNITA forces shot and killed two civilians outside of Rundu. In February UNITA forces killed three civilians and burned nine houses in Shinyungwe village.

There were reports that UNITA continued to use forced conscription and killed persons who attempted to desert (see Sections 1.b. and 1.f.).

On October 2, the body of journalist Antonio Paciencia was discovered in Zambia. The results of an investigation determined that he had been killed, but did not attribute responsibility for the killing; however, the Government and some journalists blamed UNITA for the killing.

UNITA never has accounted for the deaths of numerous senior party officials. A number of high-ranking UNITA officials who have defected revealed the extent of extrajudicial killings in UNITA-held areas. Two former UNITA secretaries general, a former head of UNITA intelligence, and others reported that Savimbi personally ordered extrajudicial killings of opponents and, in some cases, personally carried out the executions. UNITA does not allow the U.N. to investigate claims of human rights abuses in the limited areas (less than 5 percent of the country's territory) that it controls.

There were no further developments into the September 1999 case in which National Assembly Deputy Joao Ngolongombe Jacob, who was a member the non-Savimbi faction of UNITA, was killed by unknown persons. In January 1999, a U.N. chartered aircraft was shot down; there was no further information available on the case at year's end. In January 1999, Father Albino Saluaco and two catechists were killed by armed men in Huambo (see Section 2.c.); although no group claimed responsibility for the killings, there were credible reports that it was UNITA.

UNITA and the separatist group FLEC-FAC killed foreign nationals. For example, on April 27, FLEC-FAC killed a foreign national during an ambush north of Dingo.

FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.a.). In May FLEC-FLAC forces kidnaped three foreign and one local employee of a construction company.

On June 2, 12 persons were killed and 52 were injured when a group of children brought a discarded missile into a refugee camp near Malanje, and it exploded.

On June 10, polio vaccination workers passing through the Huambo area discovered an ambushed truck with 7 dead persons inside.

On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others.

On October 20, there were reports that dozens of persons were killed during an attack by unknown gunmen on two buses and a car. Reportedly a bus was set on fire with the passengers still inside; the gunmen also burned the other two vehicles.

*b. Disappearance.*—Persons taken into police custody often disappeared without a trace, particularly in rural areas. Suspects accused of illegal weapons ownership or collaboration with UNITA disappeared.

Civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. The frequent discovery of bodies in the aftermath of attacks suggested that suspected collaborators were executed summarily. Those who escaped UNITA custody and were able to return to government-held areas reported that they were subjected to torture, beatings, and sexual abuse (see Section 1.c.). There was an unconfirmed report that on January 29, six armed men abducted two teenage girls from a village near the border. UNITA rebels were suspected in the incident; however, no further information was available on the incident by year's end. On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others. On July 18, UNITA kidnaped two priests, eight nuns, and five students during an armed attack on a Roman Catholic mission in Benguela Province. The kidnaped persons were released on July 26.

There were also reports that members of the FLEC-FAC separatist group kidnaped civilians. On May 25, members of FLEC-FAC kidnaped three foreign and one

local employee of a Portuguese company in Cabinda; FLEC-FAC claimed that they still were holding them at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and the Penal Code explicitly prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. The International Committee of the Red Cross (ICRC), the U.N., and human rights organizations reported that there was widespread government abuse of suspects.

Security service personnel frequently employed torture and other forms of cruel and degrading treatment, including rape. Police used torture and coerced confessions frequently during investigations and rarely, if ever, were punished for such abuses. Those suspected of ties to UNITA regularly are detained under inhuman conditions and are subjected to primitive and brutal forms of interrogation. Non-political criminal suspects also are subjected to detention and abuse, although to a much lesser extent. There have been no cases in which an army or police official has been disciplined for the use of excessive force against an UNITA suspect. Police often beat and released suspects in lieu of trials (see Section 1.d.). Police frequently participate in shakedowns, muggings, carjackings, and killings. Police also extorted money from travelers at checkpoints, and routinely harassed refugees (see Section 2.d.).

Reports that government forces raped women in the central highlands increased during the year; government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Section 1.f.). Rapes by government forces were reported most commonly in the Bie, Huambo and Uíge provinces.

Police officers and soldiers reportedly harassed internally displaced persons (IDP's) and denied them humanitarian assistance due to misappropriation of supplies (see Section 2.d.).

There were reports that police beat protesters during demonstrations in February (see Section 2.b.).

There were numerous reports of abuses of Namibian citizens by the FAA in the border areas. A Namibian human rights organization reported that in July the army executed two Namibian civilians and wounded another (see Section 1.a.).

Some individual members of the FAA reportedly committed acts of rape and looting in the Republic of the Congo (see Section 1.a.).

Landmines laid by both sides during the conflict resulted in an increasing number of fatalities and injuries, including maiming (see Sections 1.a. and 1.g.).

The U.N. and human rights organizations report that abuse of suspects is universal in areas remaining under UNITA control. Interviews with persons who have fled UNITA-held areas revealed that UNITA uses cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. Torture is used at all levels of the UNITA forces. There have been repeated credible allegations that UNITA president Jonas Savimbi has ordered suspects tortured and executed in his presence. There were reports that UNITA engaged in reprisal attacks on civilians during the year. UNITA reportedly cut off the ears and hands of civilians in order to extract information and to discourage civilians from providing the Government with information on UNITA or from fleeing to government-controlled areas. On July 9, approximately 100 members of UNITA attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children, killed 1 boy, and injured at least 4 others.

There were numerous reports that UNITA forces abused Namibian citizens in the border areas.

FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.a.).

Prison conditions are harsh and life-threatening. Cells are overcrowded and lack basic sanitary facilities. The prison system holds approximately five times the number of prisoners that it was built to hold. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports that many prisoners died of malnutrition and disease. For example, at the Viana Prison malnutrition and disease are pervasive problems. In November the Government and the National Assembly Committee on Human Rights acknowledged that conditions are inhuman and announced modest appropriations for improvements in the Sao Paulo Prison hospital in Luanda and Viana prison outside the capital. Members of the Committee visited both institutions and donated mattresses and other supplies to the inmates.

Prison officials routinely beat detainees. Prisoners depend on families, friends, or international relief organizations for basic support, including food; prisons often do not provide any food to prisoners. Prison officials, who are chronically unpaid, sup-

port themselves by stealing from their prisoners and extorting money from family members. Juveniles, often incarcerated for petty theft, are housed with adults and suffer abuse by guards and inmates. Female prisoners are held separately from male prisoners. There were reports that prison guards sexually abused female prisoners. Detained journalists were also housed with other prisoners.

The Government permitted foreign diplomatic personnel and local and international human rights monitors to visit prisons during the year, and unlike in the previous year, they were permitted to visit individual prisoners. A local NGO was launched to document prison conditions in Luanda (see Section 4).

The conditions of UNITA's prisons were not known; however, extensive testimony from defectors described harsh conditions of confinement and summary executions.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are serious ongoing problems. Security forces used arbitrary arrest and detention during the year. Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members. Such rights are frequently ignored in practice; however, the Government paid increased attention to the rights of prisoners during the year; however, there was no substantial change in practice by year's end. There is a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice is nominally in charge of the prison system, the Ministry of the Interior continued to arrest and detain persons systematically, arbitrarily, and secretly for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the criminal law a person may not be held for over 135 days without trial. The National Security Law provides for a maximum of 180 days of preventive detention. In practice, laws regarding preventative detention frequently are ignored. Over 90 percent of inmates in Luanda still are awaiting trial, and it is believed that the national average is over 50 percent. Inmates who have been awaiting trial for 2 or 3 years are common. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

In February police disrupted several demonstrations; they arrested and detained protestors (see Section 2.b.).

On October 27, the Independent Union of Maritime and Association Workers of Angola (SIMA) engaged in a strike. Management threatened to fire the striking workers in retaliation, but all of the striking workers retained their jobs. Police arrested six strikers, but they were released on October 30 and acquitted of charges of disturbing the peace.

In December 1999, a journalist, Andre Domingos Mussamo, was arrested and held in preventive detention for 3 months on charges of defamation before being released on bail in March (see Section 2.a.). Although the Press Law only allows a maximum of 15 days in detention, and other laws allow for a maximum detention of 45 days, the provincial Attorney General extended Mussamo's detention to 90 days; in April Mussamo was released without a trial, and in May all criminal charges against him were dropped.

The Government holds an unknown number of suspected UNITA officials and supporters in areas where government control was regained. In past years, the Government invariably accused these persons of illegal weapons possession or collaboration with UNITA, although formal charges rarely were filed. However, the Government improved its compliance with the law, and there were no documented cases of further detentions of suspected UNITA officials and supporters during the year.

UNITA continued to kidnap and detain persons primarily from rural areas against their will. The number of such persons is unknown.

The Lusaka Protocol provides for the release, under International Committee of the Red Cross (ICRC) auspices, of persons detained for war-related reasons. Neither the Government nor UNITA regularly notified the ICRC or any other institution that it had POW's in custody. Between 10,000 and 15,000 UNITA soldiers have surrendered or been captured; most of them either entered the FAA or were released by the Government and placed in IDP camps.

The Government did not use forced exile as a form of punishment. Some UNITA members claimed that they went into self-imposed exile because the Government threatened their lives.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary, where it functions, is not independent of the President and the MPLA, and political pressure from the presidency affected the outcome of cases. In practice the court system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. A Constitutional Court provided in the 1991 Constitution had not been established by year's end; the Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established. There are long delays for trials at the Supreme Court level.

Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. During the trial of Rafael Marques and Aguiar Dos Santos, the judge closed proceedings to the general public (except for members of the Bar Association), although visitors were allowed to observe the closing statements and the announcements of the final ruling (see Section 2.a.).

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, a system of bail, and recognized the accused's right to counsel; however, the Government does not respect these rights in practice. Trials are open to the public; however, each court has the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges are usually lay persons, not licensed lawyers. The judge and two lay persons elected by the full court act as the jury.

On November 24, the MPLA introduced a general amnesty bill to the National Assembly, which was approved on November 29. Although the non-Savimbi faction of UNITA introduced its own version, it later withdrew the proposal. The bill requires a voluntary request for amnesty by any individual and covers national security crimes, honesty (defamation), military crimes and common crimes. The bill also includes a 90-day period during which an individual is allowed to request amnesty. The bill was not implemented formally by year's end; however, many prisoners were released under its provisions during the year.

In the past, UNITA established a nominal military and civilian court system in territories under its control and claimed that its Civil Code is equivalent to the Portuguese Civil Code used by the Government; however, there was no indication that UNITA maintained this system during the year. The areas under UNITA's control diminished to isolated pockets that composed about 5 percent of the country, and reports during the year indicated that strict martial law applies in those areas.

There were reports that the Government holds political prisoners; however, the number is unknown. The Government denied that it holds political prisoners and insisted that persons considered by some of civil society to be political prisoners are criminals.

There are numerous confirmed reports that UNITA holds political detainees. It is not known if persons detained by UNITA were convicted by UNITA judicial procedure; decisions made by UNITA courts have no standing under the country's legal system, and persons were denied due process protections.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Government infringed on citizens' privacy rights. The Government maintained a sophisticated security apparatus dedicated to the surveillance, monitoring, and wire-tapping of certain groups, including opposition party leaders, journalists, members of the National Assembly and foreign diplomats. Legal requirements for search warrants routinely are disregarded.

There were reports that army units engaged in a scorched earth policy during the year, burning villages and killing civilians (see Section 1.a.). Government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Section 1.c.).

On June 20, armed individuals dressed as security forces visited the Voice of America (VOA) offices and demanded the addresses of the homes of several independent media correspondents; the addresses were not given to them. The Government did not acknowledge nor attribute responsibility for the incident.

The Government threatened to evict from his home a journalist who had been charged with defamation (see Section 2.a.).

To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives in many of the areas under the control of the Government, including Luanda, in which some minors may have been recruited. Under the law, military service is obligatory, but the pattern of the forced recruitment targeted poor communities and unemployed young men. Persons who could prove that they had jobs usually were released, and those with financial means could purchase an exemption from the armed forces. The Government denied that forced recruiting was taking place. Church groups, civil society institutions, and foreign embassies protested the manner of conscription.

UNITA reportedly looted and destroyed property while replenishing their supplies of food and medicine.

UNITA continued to conscript civilians, including children forcibly, for military duty (see Section 1.g.).

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Military operations by both the Government and UNITA continued to result in numerous human rights violations. The Government and UNITA continue to use antipersonnel landmines to strengthen defensive positions and, in the case of UNITA, to prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.). Large areas have been remined since the resumption of fighting in 1999, mostly by UNITA. Military attacks have resulted in indiscriminate and summary killings, torture, abductions, destruction of property, and theft (see Sections 1.a., 1.b., and 1.c.). The provinces most affected were Lunda Norte, Lunda Sul, Malange, Bie, and Moxico, although UNITA also has mounted raids on or near the coast. There were several attacks on Congolese miners during the year. The Government's failure to pay, feed, and equip many of its army and police personnel resulted in frequent extortion and theft. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property; however, respect for humanitarian workers and property by security forces improved during the year as the result of an order from the Armed Forces Chief of Staff and better liaison between the Government and the U.N. on such problems.

There were reports that army units engaged in a scorched earth policy, burning villages and killing civilians (see Section 1.a.).

The Government continued to use forced conscription (see Section 1.f.).

In July the local government in Kwanza Norte evicted journalist Isidoro Natalicio from his home on the grounds that his work for independent and international radio stations violated his lease (see Section 2.a.).

In May the U.N. estimated that as many as 7 million landmines have been laid in the country, and new mines were laid during the year. There were numerous injuries and deaths resulting from landmines (see Sections 1.a. and 1.c.). Various NGO's participated in landmine clearance operations during the year, and the Government implemented a Mine Action Plan.

UNITA forces routinely violated citizen's rights in pursuit of military objectives. UNITA attacks against civilian populations as a guerrilla strategy resulted in hundreds of casualties. There were continued reports of deaths resulting from UNITA attacks on villages throughout the country and executions of suspected government supporters by UNITA forces (see Section 1.a.). The Government attributed the discovery of mass graves to UNITA actions (see Section 1.a.).

The number of IDP's continued to increase (see Section 2.d.).

UNITA carried out forced recruiting, including of children, throughout all of the country's disputed territory. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years of age, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government does not always respect this right in practice. Although the Government's respect for freedom of the press improved marginally beginning in March, the Government continued to intimidate and threaten journalists into practicing self-censorship. There were reports that the Government pays journalists to publish progovernment stories. The Government detained for up to several months or placed under investigation journalists who reported on sensitive issues, including military operations, government corruption, and UNITA, especially Jonas Savimbi. However, there was increasing



private media attention to corruption, economic mismanagement, and opposition politics; journalists acknowledge that they exercise self-censorship when reporting on the military situation, internal security, or other highly sensitive matters.

The news ban on war coverage that was instituted in 1999 remained effective; however, the strong discouragement of negative news coverage by the Government that occurred in 1999 lessened during the year.

Defamation against the President or his representatives is a criminal offense, punishable with imprisonment or fines. There is no truth defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual writing alleged to have caused harm. In June journalist Gustavo Costa, the editor of a Portuguese newspaper, was convicted of defamation against the Governor of Kwanza North, Manuel Pacavira. In June the director of the independent weekly *Agora*, Aguiar Dos Santos, and a columnist for *Folha 8*, Rafael Marques, were found guilty of defamation. On October 27, the Supreme Court upheld the convictions of Marques, Aguiar Dos Santos, and Costa. Aguiar Dos Santos was sentenced to 2 months in prison, a fine, and travel restrictions; their sentences were suspended for 3 years. Costa was sentenced to 8 months for defamation, which also was suspended for 3 years, and travel restrictions were imposed on him. On December 11, the Supreme Court ordered the police to lift the travel restrictions that had been imposed on Marques, Dos Santos, and another journalist, Antonio Freitas; however, on December 12, government officials prevented Marques from leaving the country and temporarily confiscated his passport. Travel restrictions subsequently were lifted for the three journalists.

In January Rafael Marques, a columnist for the independent weekly, *Folha 8* who was arrested and detained for a July 1999 article critical of President Dos Santos, was released on bail after 45 days of preventive detention (see Section 1.d.). His trial for defamation of the President in March was closed to the public (although members of the Bar Association could observe); the judge refused to allow Marques's lawyer to present evidence regarding the truth of what Marques wrote. Marques was convicted and given a suspended sentence of 6 months, the maximum under the law, as well as a large fine. On April 27, police again interrogated Rafael Marques after he wrote an article that criticized the Government for the reinstatement of the military draft.

In November 1999, Isidoro Natalicio was convicted of defamation, and his appeal was pending at year's end. During the year, the local government threatened to evict Natalicio from his home, and filed another defamation charge against him. In July the local government in Kwanza Norte evicted him from his home on the grounds that his work for independent and international radio stations violated his lease.

In August 1999 the Government banned Isaias Soares, a VOA and Radio Ecclesia journalist, from covering official events or reporting on military issues in Malange. In July and August, the Government continued to harass Soares, and the provincial government seized his motorcycle, which was his only means of transport.

In 1999 the Government harassed, arrested, and detained more than 20 journalists on charges of slander, defamation, and crimes against the security of the State; however, such incidents decreased during the year. In July individuals claiming they represented government authorities kidnaped Catholic Radio Ecclesia director Paulo and forced him to drive at gunpoint to the outskirts of Luanda, where he managed to escape unhurt. The Government later disclaimed responsibility for the assault. In December 1999, police arrested and detained in Kwanza Norte province Andre Mussamo, correspondent for Angolan National Radio and contributor to *Folha 8*, for "violation of a state secret." On May 31, the charges were dropped when it was shown that Mussamo had not published any material from a secret document; however, the person who provided Mussamo with the document was convicted. Mussamo reportedly still is under investigation, and he has been barred from leaving the country or from practicing journalism. The Union of Angolan Journalists criticized the Government's actions in the Mussamo case.

The majority of the media is state-run and carries very little criticism of the Government; however, the Government has tolerated progressively more criticism of its policies and actions in the independent media. There are five private weekly publications with circulations in the low thousands. There are also five commercial radio stations including the Catholic Radio Ecclesia, and Radio Lac Luanda, which openly criticized aspects of government policies and highlighted poor socioeconomic conditions. A committee composed of the Minister of Social Communication, the spokesman of the presidency, and the directors of state-run media organizations controls policy and censorship authority. The MPLA's secretary general also influences the content and tone of state-run media reporting. The Government used its control of the media to engage in a hostile propaganda campaign against UNITA, including

unconfirmed allegations of UNITA massacres, as a means of influencing local and international public opinion.

There were some attempts by the Government to improve relations with the media, including visits to independent radio and newspapers by the Vice-Minister of Social Communication. Media harassment diminished in most areas in the latter half of the year, with the exception of Kwanza Norte and Malange, where the Government continued to target journalists.

As a result of the Marques trial, the Government decided to revise the press law. In August a committee appointed by the President released a draft law for public comment. Despite wide criticism of the new text, the Government encouraged a series of public seminars, and radio and television programming on the topic. In September the Government extended the original 6-week review period by 3 weeks to accommodate public feedback. The draft was criticized widely for not allowing the expansion of political dialog and discussion and for increasing the criminal penalties for defamation. The Committee to Protect Journalists (CPJ) recommended the withdrawal of the draft law. In October the Government suspended the drafting process, withdrew its draft, and announced its intention to appoint a committee consisting of both government and nongovernment representatives to reconsider the drafting process; however, the process had not begun by year's end.

The Government generally did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and VOA; however, it continued to refuse to allow direct retransmission of their broadcasts. Foreign journalists must obtain authorization from the Ministry of the Interior in order to obtain access to government officials or to travel within the country. Media requests to travel to areas that were not controlled by the Government were routinely denied. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society.

During the year, there was a conviction in the case of the 1996 killing of state-television reporter Antonio Casimiro (see Section 1.a.).

UNITA does not permit freedom of expression in the areas under its control.

Academic life has been circumscribed severely by the civil war; however, there is academic freedom, and academics do not practice self-censorship.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly; however, the Government strictly controls this right in practice, although official tolerance for public protest increased. The law requires a minimum of 3 days' prior notice before public or private assemblies are held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment assemblies are granted routinely without delay; however, applications for protest assemblies rarely are granted.

On February 18, 25 members of the Party for the Support of Democracy and Progress in Angola (PADPA) members demonstrated in front of the Carmo Church in downtown Luanda in a highly publicized hunger strike against an increase in fuel prices. Police dispersed the demonstration on the grounds that the police had not received the required 3-day notification prior to the demonstration, and police detained 12 protesters. There also were allegations of police assault against protestors. On February 23, police dispersed a demonstration outside the Luanda Provincial Government and reportedly beat some demonstrators. On February 24, police with rifles dispersed a demonstration, arrested 10 protestors, including the leaders of 2 opposition parties, and reportedly beat some of the protestors. On February 25, the police issued an apology for the arbitrary arrests.

The Government became more tolerant of public protest during the latter half of the year. On March 11, officials permitted an opposition march by 100 members of opposition parties against high fuel prices; this was the first authorized opposition demonstration since 1992.

The Constitution provides for the right of association; however, the Government restricts this right in practice. Legislation allows the Government to deny registration to private associations on security grounds; however, in practice the Government accepts virtually all applications, including those for political parties. However, there are informal government constraints on the operation of associations. The Government arbitrarily limits organized activities deemed adverse to its interests, by refusing to grant licenses and through other means.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government does not require religious groups to register. Colonial era statutes banned all non-Christian religious groups from the country; while those statutes still exist, they are no longer enforced.

Members of the clergy in government-held areas regularly use their pulpits to criticize government policies.

While in general UNITA permits freedom of religion, interviews with persons who left UNITA-controlled areas reveal that the clergy does not enjoy the right to criticize UNITA policies.

In January 1999, unknown gunmen killed Father Albino Saluaco, a Catholic parish priest, and two catechists in a town in the province of Huambo that was under UNITA military occupation. No group had claimed responsibility for the incident by year's end (see Section 1.a.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government does not respect these rights in practice. A network of government security checkpoints throughout the country interfered with the right to travel. Such checkpoints serve also as the principal source of income for many of the country's security service personnel. Extortion at checkpoints is routine in the center of Luanda and pervasive on major commercial routes. Police routinely harassed refugees at checkpoints (see Section 1.c.). The Government routinely cuts off access to areas of the country that are deemed insecure or beyond the administrative authority of the State. Insecurity prevented persons from transporting goods during the year. The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from foreign businessmen.

Journalists who were convicted of defamation were temporarily prohibited by the Government from traveling outside of the country (see Section 2.a.).

Landmines are a major impediment to the freedom of movement. UNITA used landmines primarily on roads and trails to disrupt transportation, and to control village populations. Government mining generally was confined to strategic positions around towns for defensive purposes. Estimates of the total number of landmines deployed throughout the country range into the millions. Fear of injury and death from landmines effectively imprisoned and impoverished entire communities. There were at least 100 fatalities due to landmine explosions during the year, and there are over 80,000 survivors of landmine explosions (see Section 1.g.).

In April the Angolan Ministry of Assistance and Social Re-Insertion (MINARS) estimated that there were 3,800,000 IDP's in the country. In the same month, the U.N. reported 1,480,942 confirmed IDP's and a total of 2,299,314 reported IDP's in the country. There are 120 IDP camps in the country, 35 of which were inaccessible due to their distance from urban centers, and there is a lack of adequate water supply in these areas. Many IDP's are former returnees from neighboring countries who were reintegrated into the country from 1994 to 1998. There were instances in which IDP's were harassed by police officers and soldiers, and denied humanitarian assistance due to misappropriation by the authorities. IDP's were conscripted forcibly in both Government and UNITA controlled areas (see Section 1.f.). Provincial governments in the country at times relocated IDP's to areas with security problems. On June 2, 9 persons were killed and 50 were injured when a discarded missile exploded in an IDP camp (see Section 1.a.). There have also been reports of male IDP's being forced by authorities to leave IDP camps and return to their places of origin. However, the IDP's overall situation improved during the year. Many IDP's were moved from transit camps and urban warehouses with poor conditions to rural, safe security areas, and provided with homes, small land parcels, medical care, and education by the Government and UNHCR. In November the UNHCR began new IDP assistance programs and now provides protection and assistance in three provinces.

Approximately 170,000 citizens sought refuge in the Democratic Republic of the Congo (DRC) as a result of the conflict. In November the UNHCR reported that between 15,000 and 18,000 citizens gathered near the border with DRC; they remained near the border at year's end. Thousands of citizens reportedly crossed into Namibia during the year.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees. The Government provides first asylum to refugees. An eligibility committee to evaluate asylum claims meets regularly to evaluate asylum requests. According to UNHCR, the country has approximately 12,000 refugees, 90 percent of whom are from the DRC.

There were no reports of the forced expulsion of persons with valid claims to refugee status.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides all adult citizens with the right to vote by secret ballot in direct multiparty elections to choose the President of the Republic and deputies in the 220-seat National Assembly; however, in practice citizens have no effective means to change their government. The Lusaka Protocol establishes the mechanism for returning the country to an electoral calendar. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law; however, the process was not completed by year's end. During the year, the Government announced that elections were scheduled for 2001, but later postponed them until 2002. Opposition parties complained of harassment and intimidation by the Government.

The President is elected by absolute majority. If no candidate wins such a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, the President dismissed the Prime Minister during the MPLA Party Congress at the end of 1998, assumed the position himself by decree, and continued to hold the position at year's end. The National Assembly has, since its inception, served as a rubber stamp for the Council of Ministers. Nevertheless, with opposition deputies holding about 43 percent of National Assembly seats, substantive debates sometimes took place on issues ranging from the peace process to the Government's budgeting priorities and accountability. In August the parliamentary opposition held a 3-day conference in a National Assembly annex with the specific objective of organizing an electoral coalition; the conference included 300 activists from seven opposition parties.

The 1992 elections were the first multiparty democratic elections in the country's history; they were conducted with U.N. supervision and financial support. MPLA president Jose Edardo Dos Santos won a plurality of votes cast in the presidential election (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi was never held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. The National Assembly voted in June 1999 to cancel the runoff election, pending a determination that conditions are appropriate for a new election.

In 1997 UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. In 1998 UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated, but remaining positions were filled by members of a splinter UNITA group, UNITA-Renovada, which is recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him to be the leader of the largest opposition party and providing him with 5 official residences and a body-guard contingent of 400 personnel. The National Assembly revoked Savimbi's status in 1998 for abrogating his duties under the Lusaka Protocol. In 1999 the Government declared Savimbi a war criminal and issued a warrant for his arrest; the warrant remained outstanding at year's end.

There are no legal barriers to the participation of women in the political process; however, women are under represented in government and politics. Women occupy 10 of 83 cabinet positions, 35 of 220 seats in the National Assembly, and none of the 9 places on the Supreme Court.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government does not prohibit independent investigations of its human rights abuses; however, it fails to cooperate and often uses security conditions as a false justification to deny access to affected areas.

There were more than 120 registered NGO's operating in the country; approximately 45 were domestic NGO's. Local NGO's actively promoted human rights dur-

ing the year. In October a local NGO, Maos Livres, was launched to document and expose prison conditions in Luanda. During the year, Maos Livres also provided free legal counsel to detained strikers from an independent longshoremen's union (see Section 6.a.).

Several international organizations have a permanent presence in the country including the ICRC and the human rights division of the U.N. Human Rights Watch visited the country three times during the year.

The Constitution provides for the creation of an Office of the Provider of Justice, or Ombudsman, designated by the National Assembly for a 4-year-term, to defend citizens' rights and liberties. However, this office had not been established at year's end.

During the year, U.N. activities in the country resumed with a limited mandate and staff.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Under the Constitution, all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, religion, ideology, degree of education, or economic or social condition. The Government does not have the ability to enforce these provisions effectively.

*Women.*—Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides was perpetrated against women, usually by spouses. In 1997 the Ministry of Women and Family was created to deal in part with violence against women. The Government continued its project to reduce violence against women and improve the status of women, and efforts during the year included public education campaign. Allegations of rape by Government forces in the central highlands increased during the year (see Section 1.c.). There were some unconfirmed reports of rape by UNITA forces.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition a portion of the Civil Code dates to colonial times and includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There are no effective mechanisms to enforce child support laws, and women carry the majority of responsibilities for raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution. The law provides for equal pay for equal work; however, in practice, women rarely are compensated equally. Some women hold senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly are relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of the disabled, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas. Under the law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children.

A series of national conferences on women's rights, partially funded by foreign donors, continued to produce calls for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

*Children.*—Approximately 50 percent of the population is believed to be under the age of 15; however, the Government gave little attention to children's rights and welfare. The Ministry of Education barely functioned due to a lack of resources and corrupt administration. Private religious, community, or corporate groups have been unable to fill this vacuum. Although primary and secondary education was free, students often have to pay significant additional expenses. Although primary education was compulsory, there were not enough schools and many children had to work to support their families. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. Teachers engaged in strikes in provinces throughout the country during the year (see Section 6.a.). The net enrollment rate of school-age children is 40 percent; however, while 50 percent of children 5 to 14 years of age are in school, only 30 percent of children remain in school after grade 5. There was an 18 percent enrollment rate gap favoring boys over girls. Almost 1 million children are estimated to be out of school, with no prospect of integrating them into the education system. Most of the educational infrastructure was either partially or totally damaged and lacks basic equipment and teaching materials. Only 42 percent of the population was literate, and the illiteracy rate for women is almost twice that of men.

UNITA and the Government allowed 8,000 child soldiers to be demobilized in 1996-97. The Government has not brought any significant numbers of children back into the armed forces, although some children have been caught up in forced recruitment campaigns (see Section 1.f.). There were credible reports that UNITA often forcibly recruits children as young as 10 years of age into its armed forces.

Children often were victims in the civil war. Government and UNITA forces killed, kidnaped, and injured children during attacks throughout the year (see Sections 1.a., 1.b., and 1.c.). Children were killed and injured by landmine explosions in increasing numbers (see Section 1.a.).

The U.N. Children's Fund in 1998 estimated that there were approximately 5,000 street children in Luanda; some were orphans or abandoned while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels are so poor that the majority of homeless children preferred to sleep on city streets. Street children shine shoes, wash cars, and carry water, but many resort to petty crime, begging, and prostitution in order to survive (see Section 6.d.). An international NGO that works with street children estimated that there are 500 to 1,000 underage prostitutes in Luanda. There are no laws that specifically prohibit child prostitution; however, child prostitution is prohibited by a general criminal statute. The age of sexual consent is 12 years, and any sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 17 can be considered sexual abuse. There are no laws specifically against child pornography; however, pornography is prohibited statutorily. The Ministry of Family and Women's Affairs enforces and oversees special family courts, and the National Institute for Assistance to Children has daily responsibility for children's affairs.

The government-sponsored National Institute for Children was established in the late 1980's to enforce child protection, but it lacks the capacity to work adequately with international NGO's to assist dispossessed youth. The Government publicized the problems of street and homeless children during the year. There are no active private children's rights advocacy groups.

*People with Disabilities.*—The number of the physically disabled persons includes an estimated 80,000 disabled landmine survivors. While there was no institutional discrimination against the disabled, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for the disabled in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it was difficult for the disabled to find employment or participate in the education system.

*National/Racial/Ethnic Minorities.*—Years of war and internal dislocation have produced substantial integration of ethnic and linguistic groups, particularly in the coastal areas, where as much as half of the population resides. The largest ethno-linguistic group, about 40 percent of the country's population, is Ovimbundu, whose traditional region includes much of the south-central part of the country. Although they form the base for UNITA, there is little evidence of systematic discrimination against them by the Government or other groups. Other important ethno-linguistic groups include the Bakongo in the north; Kimbundu in the north-central area; and Chokwe in the far east. The coastal population centered in Luanda and, to a lesser extent, Benguela-Lobito, predominantly speaks Portuguese as a first language. The Portuguese-speaking group includes a large minority of "Mesticos" of mixed European and African ancestry and a small, white, predominantly Portuguese-descended population. In addition about 30,000 Portuguese citizens live in the country, forming the bulk of the nonrefugee expatriate community.

The population also includes 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered through the provinces of Namibe, Cunene, and Cuando Cubango. There is no evidence that they suffer from official discrimination or harassment, but they do not participate actively in the political or economic life of the country, and they have no ability to influence government decisions concerning their interests.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government does not respect these rights consistently in practice. The Government dominates the National Union of Angolan Workers (UNTA), which is the labor movement affiliated with the ruling MPLA party; however, there are two independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA) and the small Independent Union of Maritime and Related Workers (SIMA). The CGSILA has a membership of approximately 50,000 members, and UNTA claims to have over 400,000 members. There are tensions between the two organizations. The law

requires that labor unions be recognized by the Government. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers is the 60 percent formal sector unemployment rate.

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for, and strictly regulates, that right. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces and police personnel, prison workers, and fire fighters. The law does not prohibit employer retribution against strikers effectively.

There were several strikes during the year by teachers. On August 7, teachers in four provinces engaged in strikes to protest lack of training and low wages (see Section 5).

In September the Angolan Teachers Union organized a protest to demand a salary increase and back pay. Although teachers were paid arrears in Benguela, Lobito, and Kwanza South, other provinces claimed they were unable to make payments, and teachers returned to work by year's end. On October 27, the Independent Union of Maritime and Association Workers of Angola (SIMA) engaged in a strike. Management threatened to fire the striking workers in retaliation, but all of the striking workers retained their jobs. Police arrested six strikers, but they were released on October 30 and acquitted of charges of disturbing the peace. On December 12, UNTA organized a 3-day strike for an increase in the minimum wage. The CGSILA refused to cooperate and openly criticized UNTA for coopting CGSILA's long-standing support for a minimum wage increase, but demanding half of the amount that the CGSILA had advocated. The minimum wage had not been increased by year's end. In 1999 the National Union of Teachers, affiliated with CGSILA, twice called for a national strike to demand better and regular pay in order to correct the Government's chronic failure to pay teachers on schedule. On the first occasion, the Government negotiated with the union, but on the second occasion some members of the union were arrested and tried for acts against the State, although none were convicted or imprisoned as a result.

Unions have the right to affiliate internationally.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to organize and for collective bargaining; however, the Government generally does not respect those rights in practice. The Government dominates the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security sets wages and benefits on an annual basis. Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of anti-union discrimination are required to reinstate workers who have been fired for union activities. In practice neither the Labor Code nor the judicial system are capable of defending these rights.

On November 5, several railroad workers were ordered home after they reportedly attempted to change their union affiliation from UNTA to CGSILA; none of the workers were fired, and they continued to belong to UNTA at year's end.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and has been cited by the International Labor Organization (ILO) as an example of forced labor in violation of ILO conventions. There were reports that the army forcibly conscripted persons (see Section 1.f.). The law prohibits forced or bonded child labor, and there are no reports that such labor occurs in government-held areas; however, the Government does not have the capacity to enforce this legislation in nongovernment-held areas.

UNITA forces regularly abducted children for military service and other forms of forced labor (see Sections 1.b., 1.f., and 5). UNITA depended on forced labor for much of its logistical support. Refugees and internally displaced persons reported that rural women frequently were forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There continued to be some reports of sexual assault of abductees during the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children under 16 years of age are prohibited from factory work; however, these provisions generally are not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. Although child labor law enforcement is under the jurisdiction of the courts, in practice, the court system does not provide adequate protection

for children. Child labor violations were punishable with fines and restitution. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws. The ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14; however, many younger children work on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture is common. Children under 12 years of age work for no reimbursement for their families and in apprenticeships. Poverty and social upheavals have brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector. The Government has not ratified ILO Convention 182 on the worst forms of child labor; however, there are no reports that such child labor exists in the country.

The law prohibits forced or bonded child labor; however, the Government is unable to enforce these provisions, and children were regularly abducted by UNITA forces for forced labor (see Section 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage set by the Ministry of Public Administration, Employment, and Social Security was approximately \$30 (600 kwanzas) per month during the year; however, the Government does not enforce this standard. The majority of urban workers earn less than \$10 (200 kwanzas) per month. Most workers hold second jobs, engage in subsistence agriculture, rely on aid from relatives, or engage in corruption to supplement their incomes. Neither the minimum wage nor the average monthly salary, which are estimated at \$20 (400 kwanzas) to \$200 (4,000 kwanzas) per month, are sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners depend on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government took no measures to rectify the national system of setting the minimum wage during the year. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it is uncommon for workers to do so.

A 1994 government decree established a 37-hour work week; however, the Ministry of Public Administration was unable to enforce this standard, just as it was unable to enforce existing occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The Constitution prohibits trafficking in persons; however, there continued to be allegations that UNITA abducted persons, including children, for forced labor, and abducted women for use as sex slaves. There were reports that the Government forcibly recruited persons (see Section 1.f.). There were credible reports that UNITA forcibly recruited children into its military (see Section 5).

## BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 4, 1996, after elections that observers generally viewed as free and fair. President Kerekou, who ruled Benin as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor and continued the civilian, democratic rule begun in the 1990-91 constitutional process that ended his previous reign. The next presidential election is scheduled for March 2001. There are 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicéphore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power is shared between opposition and progovernment forces. For example, the President of the National Assembly belongs to an opposition party. The Government respects the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary is inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the Minister Delegate for Defense Matters in the Office of the President, and the police force under the Interior Minister. The Ministry of Defense supervises the gendarmerie, which exercises police functions in rural areas while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks and



an ethnic imbalance within the forces. Members of the police committed some human rights abuses.

Benin is an extremely poor country with average yearly per capita income below \$400. The economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The Kerekou administration maintained the austerity program begun by its predecessor; privatized state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of an inefficient bureaucracy and widespread unemployment, the country's economic recovery continued under liberal economic policies instituted since the return to democracy. Although the economy expanded, real growth was lower than in the previous year. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid. Inflation was 4 percent at year's end, prompted by price hikes for imported oil and derivative products. In July the Minister of Finance took the newly privatized state-owned oil company, Sonacop, to court over improper financial operations in the acquisition of the company by tycoon, Sefou Fagbohoun, a close associate of the President. Also the Government announced delays in the privatization of the port of Cotonou and the cotton parastatal, Sonapra.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. The most prominent human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking in and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remain problems. Child labor continues to be a problem. The Constitutional Court has demonstrated independence.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed reports of political or other extrajudicial killings by government officials.

In September Amnesty International-Benin reported that police had conducted a regular investigation in the 1998 deaths of Florent Adoko and Alexandre Adjakieje (the date of the investigation was not available). They allegedly died as a result of abusive force used by the police, but the Government did not follow up the investigation nor were the results of the investigation released publicly by year's end.

On May 4, a riot in the Lokossa prison (Mono Department) resulted in the death of three prisoners and severe injury to a magistrate who attempted to mediate the dispute; prisoners rioted over lengthy pretrial detention.

As in the previous year, incidents of mob justice were reported by the media and other sources. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. In 1999 a rural popular leader, the self-styled Colonel Devi, incited mobs to lynch more than 100 suspected criminals in the southwestern part of the country. Most of the victims were burned alive, many after being abducted, beaten, and tortured by Devi's followers. Although the number of such killings decreased during the year, reliable reports indicate that incidents of mob justice by Devi's followers persisted, despite a promise Devi made in 1999 to order his followers to cease lynching suspected wrongdoers and instead turn them over to the authorities. Individual incidents of mob justice continued to occur nationwide, and police most often ignored vigilante attacks. On March 18, a mob took a convicted thief, "DeGaulle," from the automobile of the director of the Lokossa prison and burned him death.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, there were credible reports that police sometimes beat criminal suspects. For example, in June the police shot a man twice in the pelvis, handcuffed him, and left him for several hours without medical attention. The press reported the incident; however, the Government took no action

against the police. The Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989.

An investigation was completed in the case of the March 1999 beating of Deputy Sacca Fikara. The incident reportedly occurred in daytime when the police stopped Fikara's car for an alleged traffic infraction but did not recognize him. The Attorney General did not render a decision regarding this incident by year's end.

Mob justice resulted in serious injuries to a number of persons (also see Section 1.a.).

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet is seriously inadequate; malnutrition and disease are common. Family members are expected to provide food for inmates to supplement prison rations. Prisoners are allowed to meet with visitors such as family members, lawyers, and others.

Some progress was made in 1998 with the opening of three modern facilities in the departments (provinces) of Borgou, Mono, and Atacora through foreign funding. The prisons provided, for the first time, separate units for men, women, and minors. However, by April two out of three of the new prisons already were overcrowded. These, like other prisons, at times were filled to more than three times their capacity. The prison in Natitingou (in Atacora province) was the only one of eight prisons nationwide below full capacity.

Efforts to complete a facility in Misserete (in Oueme) for 1,000 prisoners were delayed because of funding problems. On July 31, the night before the country's 40th Independence Day, President Kerekou announced that some prisoners who were convicted of minor crimes, such as petty theft, between August 2, 1998, and August 1, 1999, could have their prison sentences reduced. The presidential pledge had to be approved by the Council of Ministers and other government bodies; however, by year's end, the majority of the prisoners were released.

The Government permits prison visits by human rights monitors. In February a delegation headed by the president of the Commission Beninoise des Droits de L'Homme toured prison facilities in Cotonou. In April the president of the Beninese chapter of Amnesty International also visited several prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits the arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison are pretrial detainees.

The Constitution prohibits forced exile of citizens, and it is not practiced. Many citizens who went into exile prior to the establishment of democratic rule have returned.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the executive has important powers in regard to the judiciary, and the judiciary remains inefficient in some respects and is susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets result in a slow administration of justice. The low salaries of magistrates and clerks have a demoralizing effect on their commitment to efficient and timely justice and make them susceptible to corruption.

A civilian court system operates on the national and provincial levels. There is only one court of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court is charged with deciding on the constitutionality of laws and on disputes between the President and the National Assembly and with resolving disputes regarding presidential and National Assembly elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government. The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the State. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. Implementing legislation to create the High Court of Justice was passed in 1996. On August 11, after several years of legislative delays,

the National Assembly elected six deputies by an absolute majority to serve on the first High Court of Justice. Only a new Chairman of the Supreme Court, currently awaiting appointment, must be chosen by the President. However, at year's end, the law had not been promulgated. Inefficiency and corruption particularly affect the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provides indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. The Government denied charges of wiretapping involving former President Soglo, and the National Assembly investigation into the case was hampered by Soglo's absence from the country for much of the year. Police are required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. The government entity with oversight responsibility for media operations is the High Authority for Audio-Visual Media and Communications (HAAC), which requires broadcasters to submit weekly lists of planned programs and requires publishers to deposit copies of all publications with it. However, this requirement is not observed by the media in practice.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 6.c.).

There is a large and active privately owned press consisting of more than a dozen daily newspapers. These publications criticize the Government freely and often, but their effect on public opinion is limited because of their urban concentration. The majority of citizens are illiterate and live in rural areas; they largely receive their news via radio. A nongovernmental media ethics commission (ODEM) was established in May 1999 and censured a number of journalists in 1999 and during the year for unethical conduct, as well as commending some journalists for adherence to the standards of their profession.

In 1999 a trial court sentenced five journalists to various jail terms not exceeding 1 year and fines for criminal libel in several cases that did not involve criticism of the Government. For example, Vincent Foly, a reporter for *Le Point au Quotidien*, was arrested in January 1999 following a tough editorial and sentenced to 1 year in prison in August 1999. At year's end, none of these 1999 sentences had been executed and appeals remained pending. Foly was arrested again on January 27, following his publication of an editorial critical of a court's decision to dismiss narcotics trafficking charges against a senior government official, and released approximately February 1. No charges were brought against Foly in this incident.

Journalists sought during the year to eliminate jail sentences as a penalty for violating the libel law, but the Government has not responded. In December at the opening of the U.N.-sponsored Fourth International Conference on New and Reestablished Democracies, the President admonished the press for its lack of professional standards and indicated that journalism should be improved.

New privately owned radio and television stations began broadcasting in 1997. Throughout the year, they broadcast programs that criticized the Government without interference. It is unclear what effect the private electronic media have on public opinion; however, an increase in the number of "call-in" and panel shows during the year contributed to significantly increased public involvement in political affairs and a heightened awareness of important national problems.

The Government continued to own and operate the media that were most influential in reaching the public because of its broadcast range and infrastructure. Radio is probably the most important information medium, given that half of the population is illiterate. Until 1997, it owned the only radio stations that transmitted locally. The Benin Office of Radio and Television (ORTB) transmits on the FM and

AM bands and by short wave, in French and local languages. Radio France International (RFI) also transmits on a local FM band under an agreement with the Government. In 1999 the British Broadcasting Corporation began French and English language broadcasting in Cotonou. Five rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations receive support from the ORTB.

A similar arrangement exists for television transmissions: the ORTB broadcasts 5 hours per day on a signal that is easily received in urban areas. Approximately 80 percent of the ORTB's television programming is in French. TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A new privately owned television station, LC-2, began broadcasting in Cotonou in 1997. LC-2 is owned entirely by a local businessman and features light entertainment and news, although news coverage requires payment in many circumstances. Although neither television station broadcasts partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centers on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

The Government does not censor works by foreign journalists, authors, or artists.

HAAC regulations govern satellite reception equipment and movie and video clubs. There is little enforcement of these regulations.

Internet service is available in major cities; there are no restrictions on its use.

In general academic freedom is respected. University professors are permitted to lecture freely, conduct research, and publish their work.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The Government requires permits for use of public places for demonstrations and generally grants such permits; however, during the year, the mayor of Cotonou denied permits to protesters angry over rising gasoline prices, and in at least two instances, citing the visit of a foreign head of state (see Section 6.a.). In other instances, gasoline price protest permits were granted.

In June police dispersed a march to protest the rising gas prices (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. The Government requires associations to register and routinely grants registrations. In August the Government published a list of 167 schools that it claimed were operating as nonregistered organizations; it suspended these institutions until they registered. The Government closed a few of the schools; however, most continued to operate despite being listed as nonregistered. Others reopened after completing the fairly complicated registration process. By year's end, schools were operating normally.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Persons who wish to form a religious group must register with the Ministry of Interior. Registration requirements are identical for all religious groups. There were no reports that any group has been refused permission to register or has been subjected to untoward delays or obstacles in the registration process. Religious groups are free from taxation.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice; however, the presence of police, gendarmes, and illegal roadblocks impedes domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints serve as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such petty corruption at roadblocks.

The Government's policy toward the seasonal movement of livestock allows migratory Fulani herdsmen from other countries to enter freely; it does not enforce designated entry points. Disputes have arisen between the herdsmen and local landowners over grazing rights.

The Government does not restrict international travel for political reasons, and those who travel abroad may return without hindrance.

The law contains provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Historically, the Government has cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. The Government provided first asylum to up to 200,000 citizens of Togo during the 1993 political violence in that country. While most have returned to Togo, in December there were 991 refugees at the Kpomasse camp and a total of 1,519 Togolese in the country.

Despite severe economic pressures that limit its ability to provide education for children, the Government has allowed these Togolese to enroll their children in local schools and to participate in some economic activities. During the year, the Government welcomed about 731 at-risk refugees from the Democratic Republic of the Congo destined for eventual resettlement in another country.

In contrast the UNHCR estimates that 250 Ogoni refugees from Nigeria, disadvantaged because they do not speak French, cannot work, nor can their children attend schools. UNHCR officials have directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and to maintain administrative control over their activities.

In addition there are lesser numbers of other refugees from Nigeria, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the Democratic Republic of the Congo, Ethiopia, Niger, Liberia, Rwanda, Sudan, and Sierra Leone. The UNHCR estimated that, as of November, there were 5,628 refugees of different nationalities in the country and that approximately 2,800 persons resident in the country were requesting asylum.

There were no reports of the forced expulsion of persons having a valid claim to refugee status.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in legislative elections in 1991, 1995, and in presidential elections in 1991 and 1996, all of which were considered free and fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms). The next presidential election, which will take place in two rounds, is scheduled for March 2001.

Women participate actively in the political parties but are under represented in government and politics. Following a Cabinet reshuffle in June 1999, there are 2 women in the 19-member Cabinet, 1 less than in the previous 18-member Cabinet. There are 5 female deputies in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The previous legislature consisted of 82 deputies with 6 female members. The President of the Constitutional Court and the Solicitor General (which is not a cabinet position) are women.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups, both domestic and international, operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

The Beninese branch of Amnesty International and other nongovernmental organizations (NGO's) continued to report without government interference on the alleged discovery of hundreds of bodies of victims of Togolese security forces washed up on Beninese beaches in 1998. Investigation by a joint U.N.-Organization of African Unity commission into this case continued. A three-person team visited the country in November and held several interviews with regard to the problem, despite continued reluctance by witnesses to come forward.

### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, and religion, but societal discrimination against women continued.

*Women.*—While no statistics are available, violence against women, including wife beating, occurred. At times the press reports incidents of abuse of women, but judges and police are reluctant to intervene in domestic disputes, considering such disputes a family matter.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experience extensive societal discrimination, especially in rural areas where they occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas, women dominate the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevents them from inheriting real property. Women do not enjoy the same educational opportunities as men, and female literacy is about 18 percent (compared with 50 percent for males). However, elementary school pass rates in recent years highlighted significant progress by girls in literacy and scholastic achievement.

There are active women's rights groups that have been effective in drafting a family code that would improve the status of women and children under the law. The draft code has yet to be adopted by the National Assembly, although it has been on the legislature's agenda for 6 years and has been considered by parliamentary committees. Many observers believe that consideration of the draft was postponed because of provisions that would threaten male prerogatives, which is a highly volatile political issue. Action on the draft code is not anticipated until after a president is elected in March 2001 and the next regular session of the legislature convenes in April 2001.

*Children.*—The Ministry of Labor and Social Affairs is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family and Social Protection have oversight roles in the promotion of human rights issues with regard to children and their welfare. In April the Minister of Justice established a National Commission for Children's Rights, which held its initial session in July.

Education is neither free (although the charge is nominal) nor compulsory. In particular the Government is trying to boost primary school enrollment, which is approximately 78 percent for males and only approximately 46 percent for females nationwide. In some parts of the country, girls receive no formal education.

Some traditional practices inflict hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement is voluntary between the two families. There is considerable, but an unquantified amount of abuse in the practice, and there are instances of sexual exploitation. Ninety to 95 percent of the children in vidomegon are young girls. Children are sent from poorer families to Cotonou and then some of the children are sent to Gabon, the Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child receives living accommodation, while income generated from the child's activities is split between the child's parents remaining in the rural area and the urban family that raises the child. In July 1999, the Ministry of Justice launched a nationwide publicity campaign to alert parents to the risks of placing their children in vidomegon and to inform adults with vidomegon children of their responsibilities and of the children's rights. In August in conjunction with UNICEF, the Ministry of Family and Social Protection sponsored a 4-day workshop on educating vidomegon children about their rights.

During the year, the parents of a young female house servant to the daughter-in-law of President Kerekou filed a formal complaint regarding the abuse of their daughter by Kerekou's daughter-in-law. The parents of the child reportedly requested a preliminary inquiry, and reportedly the case was closed without further action.

In the 1996 case of an official detained for beating a 12-year-old maid to death that year, a criminal court found the defendant, Mrs. Christine Tchitchi, ex-wife of a former Minister of Culture, guilty in 1996. The former Minister of Culture was not detained. The court sentenced her to 5 years imprisonment. Already confined in pretrial detention, she was given credit for time served, completed her sentence, and was released.

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom are thought to be sorcerers in some rural areas). There is also a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). Criminal courts mete out stiff sentences to criminals convicted of crimes against children, but many such crimes never reach the courts due to lack of education and access to the courts or fear of police involvement in the problem.

Forced child labor and the trafficking in Beninese children for purposes of forced labor or prostitution in other countries remains problems (see Sections 6.c. and 6.f.).

The Government, in concert with NGO's, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (see Section 6.f.). Despite such efforts, the abuse of children remained a serious human rights problem.

The Government has been less successful in combating female genital mutilation, which is not illegal. FGM is widely condemned by international health experts as damaging to both physical and psychological health. FGM is practiced on females ranging from infancy through 30 years of age and generally takes the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably placed the estimate of the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African

Committee, has made progress in raising awareness of the dangers of the practice; the Government has cooperated with its efforts. According to recent research, there is a strong profit motive in the continued practice of FGM by those who perform the procedure, usually older women. The Government, in cooperation with NGO's, held workshops during 1999 aimed at eradicating the practice, and several NGO's continued the effort during the year. One international NGO (Intact) paid those who perform the procedure to abandon their profession. Another local NGO also was active. In January Dignite Feminine collected 60 excision knives from practitioners of FGM in the northern section of the country who renounced the practice voluntarily. In April the Social Affairs Minister attended a ceremony in which 17 women turned in their cutting tools in exchange for small grants (worth approximately \$176 (123,200 CFA).

Trafficking in children is a problem (see Section 6.f.).

*People with Disabilities.*—Although the Constitution provides that the State should care for people with disabilities, the Government does not mandate accessibility for them. It operated a number of social centers for disabled persons to assist their social integration. Nonetheless, many are unable to find employment and must resort to begging to support themselves.

The 1998 Labor Code includes provisions to protect the rights of disabled workers. The code was enforced with moderate effectiveness during the year.

*National/Racial/Ethnic Minorities.*—There is a long history of regional rivalries. Although southerners are preeminent in the Government's senior ranks, many prominent military officers come from the north. During the year, the imbalance was reduced by new appointments. The south has enjoyed more advanced economic development, a larger population, and has traditionally held politically favored status. In the 1996 elections, a northerner was elected President.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respects these rights in practice. A new Labor Code went into effect in January 1999. The code was approved after long discussions between the Government, labor unions, and the National Assembly. The labor force of approximately 2 million is engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belong to labor unions, a much smaller percentage of workers in the private sector are union members. There are several union confederations, and unions generally are independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, includes four union representatives.

Strikes are permitted; however, the authorities can declare strikes illegal for stated causes, for example, threatening to disrupt social peace and order, and require strikers to maintain minimum services. The Government declared two strike-related marches illegal during the year, but it did not declare the strikes illegal.

During the year, there were several major peaceful strikes over increases in the price of gasoline, which significantly reduced workers' purchasing power. For example, in June a strike at the port of Cotonou succeeded in reversing a government decision to privatize the port. During strikes unions generally called for higher wages, lower fuel prices, and the dismissal of the mayor of Cotonou, who refused to issue permits to march during a visit by the Libyan head of state in June (see Section 2.b.). One such march began before police dispersed it without violence. During an authorized march in July, President Kerekou addressed the workers and rebuked the unions for failing to recognize their relative well-being in relation to that of neighboring countries. Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which is still in effect) permitting the Government to dock the wages of striking public sector employees.

There were no known instances of efforts by the Government to retaliate against union activity; however, the ICFTU alleged that hostility to trade unions persisted and that union members were intimidated. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforces them effectively.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations are known to be affiliated with the Brussels-based Confederation Internationale de Syndicats Libres.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector are set in negotiations between unions and employers.

The new Labor Code permits unions to become affiliated with international organizations. It also includes a section on the rights of disabled workers. The Government sets wages in the public sector by law and regulation.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Labor Code prohibits forced or compulsory labor and specifically prohibits forced and bonded labor by children; however, forced child labor and trafficking in children are problems (see Section 6.f.). Some financially desperate parents indenture their children to “agents” recruiting farm hands or domestic workers, often on the understanding that money paid to the children would be sent to the parents. According to press reports, in some cases, these agents take the children to neighboring countries for labor (see Section 6.f.). The Government has taken steps to educate parents and to prevent such kidnappings of children. Also, many rural children are sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education. Host families do not always honor their part of the bargain, and the abuse of child domestic servants occurs. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.); however, no such sentences were imposed during the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remains a problem. The Ministry of Labor enforces the Labor Code in only a limited manner (and then only in the modern sector), due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 17 years old—continue to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets, and as domestic servants under the practice of *vidomegon*. In February one report estimated that 75 percent of apprentices working as seamstresses, hairdressers, carpenters, and mechanics were younger than 15 years of age. Most of these apprentices are also under the legal age of 14 for apprenticeship. Children also commonly work as street vendors.

The Government did not ratify ILO Convention 182 on eliminating the worst forms of child labor; however, it was before the National Assembly at year's end.

The law prohibits forced and bonded labor by children; but the Government is unable to enforce these prohibitions except in the modern sector, and there are reports of forced child labor (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—The Government administratively sets minimum wage scales for a number of occupations. In July the Government raised the minimum wage to approximately \$35 (CFA francs 25,000 per month) increased from CFA francs 21,924 in April 1997. The decision was made in consultation with trade unions. However, this increase is not adequate to cover the costs for food and housing even of a single worker. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earn more than the minimum wage, although many domestics and other laborers in the informal sector earn less.

The Labor Code establishes a work week of from 40 to 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently work 70 hours or more per week. The authorities generally enforce legal limits on work weeks in the modern sector. The code establishes health and safety standards, but the Ministry of Labor does not enforce them effectively. The code does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry of Labor has the authority to require employers to remedy dangerous work conditions but does not do so effectively.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in children is a problem. Article 15 of the Constitution provides for fundamental civil rights, and long-standing provisions of the criminal code prohibit kidnapping. Laws dating to 1905 but still in force prohibit trafficking in persons in general and in underage females in particular. Trafficking in children, which remained a problem, continued to be the subject of considerable media coverage. Most victims are abducted or leave home with traffickers who promise educational opportunities or other incentives. They are taken to places in foreign countries (according to the



press, principally located in Nigeria, Cameroon, Cote d'Ivoire, and Gabon) and sold into servitude in agriculture, as domestics, or as prostitutes. In addition hundreds of children are taken across the border to Togo and Cote d'Ivoire to work in plantations.

According to a survey of child labor conducted by the Government in 1999, the World Bank, and INSAE (a nutritionally focused NGO), 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in the Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children, 61 percent were boys and 39 percent were girls. Certain villages have been particularly victimized by organized child traffickers, and there were villages where up to 51 percent of children were trafficked.

The Minor Protection Brigade, under the jurisdiction of the Interior Ministry, combats crimes against children. The media reported that during the year, the brigade, in addition to gendarmes and police, intercepted and arrested a number of traffickers trying to smuggle children into and out of the country.

On January 14, according to press reports, authorities arrested an adult male citizen attempting to smuggle six children, all younger than 10 years old, out of the country reportedly to work on farms in Nigeria. The press also reported the arrest of 13 adults on April 25 as they were attempting to smuggle 26 children into Togo for work as domestics and farm hands. At year's end, there were no reports on subsequent legal action against the traffickers.

In 1998 the Justice Minister stated that in 3 years a total of 1,363 children had been intercepted and returned to their parents. There was no further information during the year on additional interceptions by the Government. The Government worked with NGO's to combat trafficking in children, including media campaigns and greater border surveillance (see Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

In July a 4-day subregional workshop, sponsored by the International Labor Organization and the International Program on the Elimination of Child Labor, on child trafficking in West and Central Africa was held in Cotonou and featured speeches by Justice Minister Joseph Gnonlonfon, Labor Minister Ousmane Batoko, and foreign representatives.

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## BOTSWANA

Botswana is a longstanding, multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. The House of Chiefs, representing all of the country's major tribes and some smaller ones, has no legislative power but may offer its views to both the President and National Assembly on legislation. Festus Mogae, who, as Vice President, became President upon former president Sir Katumile Masire's retirement in 1998, continued to lead the Botswana Democratic Party (BDP), which has held a majority of seats in the National Assembly continuously since independence. In October 1999 elections generally regarded as largely free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties, the BDP increased its majority in the National Assembly and elected President Mogae to a second term. The Government respects the constitutional provisions for an independent judiciary.

The civilian Government exercises effective control over the security forces. The military, the Botswana Defense Force (BDF), is responsible for external security only, unlike in past years when the BDF at times performed internal security functions. The Botswana National Police (BNP) are responsible for internal security. Members of the security forces, in particular, the police, occasionally committed human rights abuses.

The economy is market oriented with strong encouragement for private enterprise, and has achieved rapid sustained real per capita economic growth since independence. Per capita gross domestic product (GDP) is slightly more than \$2,681 (14,495 pula). Diamond exportation provided over two-thirds of the country's export income and much of the revenue of the Government, which owned half of a company engaged in the production of diamonds from existing mines. Nearly 50 percent of the population is employed in the informal sector, largely subsistence farming and

animal husbandry. Rural poverty remains a serious problem, as does a widely skewed income distribution.

The Government generally respected the human rights of its citizens; however, problems continued in several areas. There were credible reports that the police sometimes beat or otherwise mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor; however, unlike in the previous year, there were no reports of torture and deaths under suspicious circumstances in prisons. In many instances, the judicial system did not provide timely fair trials due to a serious backlog of cases. The Government continued to dominate domestic radio broadcasting, although to a lesser extent than in the previous year. At times the Government held newly arrived refugees from neighboring countries in local jails or special areas in prisons until they could be interviewed by refugee officials. Violence against women remained a serious problem, and women continued to face legal and societal discrimination. Some citizens, including groups not numbered among the eight "principal tribes" of the Tswana nation, the majority ethnic group, still did not enjoy full access to social services and, in practice, remained marginalized in the political process. Trade unions continued to face some legal restrictions, and the Government did not always ensure that labor laws were observed in practice.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

Unlike in previous years, there were no instances of suspicious deaths in prisons.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution explicitly forbids torture, inhuman, and degrading treatment or punishment, and the authorities generally respect this prohibition in practice; however, instances of abuse occur. In some cases, the authorities have taken disciplinary or judicial action against persons responsible for abuses. While coerced confessions are inadmissible in court, evidence gathered through coercion or abuse may be used in prosecution. There were credible reports that police sometimes beat persons and used intimidation techniques in order to obtain evidence or elicit confessions. In general, however, beatings and other forms of extreme physical abuse remained rare.

There were reports that BDF soldiers at the Dukwe refugee camp beat and abused Dukwe residents. One refugee applicant claimed that BDF soldiers beat him on December 1 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe has stated that his office is investigating the case (see Section 2.d.).

Some international NGO's reported that government game wardens abused the Basarwa (Bushmen) in the Central Kalahari Game Reserve (CKGR) (see Section 4).

Customary courts continued to impose corporal punishment sentences in the form of lashings on the buttocks, generally against young offenders in villages for crimes such as vandalism, theft, and hooliganism. The Government in 1999 refused to adopt a motion submitted by the House of Chiefs to reinstate flogging across the back rather than the buttocks.

Prison conditions were poor; however, unlike the previous year, there were no reports of torture and deaths under suspicious circumstances. A December 1999 report by the Gaborone Prison Visiting Committee cited "appalling" conditions in prisons, and these conditions did not change during the year. With the country's high incidence of HIV/AIDS and tuberculosis, prison overcrowding constitutes a serious health threat. The 21 prisons across the country have a capacity of 3,198 but held 7,000 at year's end. To alleviate overcrowding, the Government began constructing 2 new prisons that are scheduled to be completed in 2001; these would bring prison capacity to over 4,000. Construction of a third prison for male juvenile offenders was delayed due to lack of funds, but is scheduled to begin in 2001. In July Parliament passed a bill that would give the Prison Commissioner authority to release terminally ill prisoners and prisoners in the last 12 months of their sentences (under current law, the Commissioner only can grant an early release to prisoners in the last 6 months of their sentences). The bill also would grant the Commissioner authority to allow prisoners with sentences of 12 months or less to perform "extramural" labor. The President signed the bill into law during the year. The Government estimated that as many as 1,492 prisoners could be released under the program.

The Commissioner of Prisons ordered full investigations into the management and conditions of prisons covered in the GPVC report. A report was completed and submitted to the Commissioner during the year which reportedly cleared the Government of responsibility for the conditions; however, the report was not publicly released by year's end. The December 1999 report by the Gaborone Prison Visiting Committee cited the suspicious deaths in prison of two inmates during 1999. The Commissioner of Prisons stated that a post-mortem examination conducted by medical authorities in 1999 supported prison officials' statements that Boitumelo Nthoiwa died of pneumonia and Andrew Molefe died after taking an illegal substance smuggled in by another inmate. Human rights organizations in the country have not challenged either case.

The Prisons Act, which covers both prison officials and prisoners, makes it illegal for prison officials to mistreat prisoners. In September the Minister of Presidential Affairs and Public Administration stated that stiff penalties would be imposed upon prison officials who treat inmates improperly. When there is an allegation or suspicion of mishandling of prisoners by prison officials, the Department of Prisons is required to forward the case to the police for investigation. Three prison officials appeared before a magistrate in early December for alleged abuse of prisoners in previous years. In December the magistrate discharged one of the officials, and the other two officials were scheduled to appear before the magistrate again in March 2001.

The Prisons Act provides for a governmental visiting committee for each prison, the members of which are appointed by the Minister of Labor and Home Affairs. Members of these committees serve 1-year terms and must visit their prison four times within their first term and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally are not released to the public. During the year, the committees visited each prison every 3 months and last issued their last report in December.

While the Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes," the Commissioner of Prisons has the authority to decide whether domestic and international human rights organizations may visit. In practice the Commissioner does not generally allow such visitations; however, some local human rights organizations have been granted access to visit specific prisoners. In 1999 the Botswana Center for Human Rights was permitted to make prison visitations. There were no visitation requests from human rights organizations during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—Under the Constitution, "every person in Botswana" is entitled to due process, the presumption of innocence, and freedom from arbitrary arrest; and the authorities respected these provisions in practice. Suspects must be informed of their legal rights upon arrest, including the right to remain silent, to be allowed to contact a person of their choice, and generally to be charged before a magistrate within 48 hours. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Most citizens charged with noncapital offenses are released on their own recognizance; some are released with minimal bail. Detention without bail is highly unusual, except in murder cases, where it is mandated.

Detainees have the right to hire attorneys of their choice, but in practice most are unable to afford legal counsel. However, poor police derom Rt is visitation4hj-(gm Rt0.25 Tw(viourlut rurentalllages

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ances and were being held in Mahalapye Prison were released back to Dukwe. At year's end, six detainees were being held in protective custody at Mahalapye Prison; they were transferred from Dukwe after they committed criminal offenses while at the camp. Five of the detainees were released by year's end, and one detainee continued to serve a sentence for a narcotics conviction. A Namibian asylum seeker in extradition proceedings has accused the Government of unfair detention and violations of human rights. He successfully challenged his detention in court and was released in June (see Section 2.d.).

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary consists of both a civil court (including magistrates' courts, a High Court, and a Court of Appeal) and a customary (traditional) court system.

The law provides for the right to a fair trial. However, the civil courts remained unable to provide for timely, fair trials in many cases due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts are public, although trials under the National Security Act (NSA) may be held in secret. Those charged with noncapital crimes are tried without legal representation if they cannot afford an attorney. As a result, many defendants may not be informed of their rights in pretrial or trial proceedings. In October 1999, a High Court judge declared a mistrial in the case of two Basarwa (Bushmen) men who had been convicted in 1995 of a murder that occurred the same year, and were awaiting execution. A human rights group claimed that the two did not understand the language used at the trial and that translations were poor. It also questioned whether the accused understood their rights or the charges against them, and noted that attempts by the men to change their court-appointed lawyers had been disregarded. Ruling that the two had been deprived of their constitutional rights, the judge ordered a new trial. A date had not yet been set for the new trial by year's end (see Section 5).

Most citizens encounter the legal system through the customary courts, under the authority of a traditional leader. These courts handle minor offenses involving land, marital, and property disputes. In customary courts, the defendant does not have legal counsel and there are no precise rules of evidence. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. The quality of decisions reached in the traditional courts varies considerably. In communities where chiefs and their decisions are respected, plaintiffs tend to take their cases to the customary court; otherwise, persons seek justice in the civil courts.

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and the Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, the State continues to dominate domestic radio broadcasting, although to a lesser extent than in the previous year.

The independent press is small but growing, and has a long tradition of vigorous, candid, and unimpeded discourse. It actively covers the political arena and is frequently critical of the Government and the President. The circulation of privately owned print media continues to be limited mostly to the main cities and towns. At year's end, six privately owned weekly newspapers were published in Gaborone and distributed to the country's main cities and towns. One privately-owned weekly newspaper was published in Francistown, the country's second-largest city. Nine privately-owned magazines were published monthly. These publications reported and editorialized without fear of closure or censorship.

Government officials sometimes complain of bias in the private press. However, government officials and other public figures have recourse to the courts if they believe that they have been libeled. Libel is a civil law matter; there are no criminal libel laws.

The Government's Botswana Press Agency (BOPA) provides most of the information found in the media owned and operated by the Government - the free Daily News newspaper, Radio Botswana, which broadcasts nationally to almost all of the country, and the new Botswana Television. News coverage in the state-owned media focuses on the activities of government officials and supports government policies and actions. The Daily News also publishes general coverage of current events and issues, and includes a second front page in Setswana, the most commonly spoken tribal language.

Radio remained the most important medium of public communication; the circulation of privately owned print media continued to be limited mostly to the main cities and towns. In past years, the state monopolized domestic radio broadcasting; however, in 1999 the Government granted licenses to two private radio stations, Yarona FM and Gabz FM, and they began broadcasting in June and November 1999, respectively. Both broadcast in a 56-mile radius of Gaborone, an area that includes 5 of the country's 10 largest cities; state-owned radio continued to be the only domestic radio service broadcasting to the rest of the country. Both private radio stations have a news component to their programming, with no discernible policy of supporting a particular political party. A 1998 broadcast law provides for issuance of broadcast licenses to private companies and provides copyright protection of broadcast material. The law also mandates the establishment of a National Broadcast Board, which grants broadcast licenses. On November 30, the Board held its first meeting at BTA offices in Gaborone.

On July 31, the Government opened its new national television station, Botswana Television (BTV), amid skepticism from the public and some parliamentarians over delays and overspending. BTV began broadcasting with technical and programming assistance from the British Broadcasting Corporation (BBC), and an emphasis on the Setswana language service. Transmission extends south from Gaborone to Lobatse, north to Serowe and Francistown, and is scheduled to be available across the country within the next few years.

The debut of BTV generated considerable discussion among members of the public, parliamentarians, and government officials about whether its status as a government-owned station would interfere with its ability to function independently, especially with respect to reporting the news. During the opening ceremony, the Acting Minister for Presidential Affairs and Public Administration stated that editorial policies of the station would not be subject to government influence; however, according to newspaper reports in August, BTV management was criticized by the Government for reporting on the eviction of squatters by the Ministry of Lands and Housing. A Permanent Secretary in the Office of the President responded by convening a press conference on August 30 on the private Yarona FM radio station and stating that it was important for BTV to broadcast news that promoted government policies and not reports that "encourage trouble and criticize the government."

Responding to calls for the privatization of BTV after it began operations on July 31, the Government announced that it was considering turning the Department of Information and Broadcasting into a parastatal. However, on December 1, the Minister of Presidential Affairs and Public Administration, Thebe Mogami, stated that BTV would remain under government control. This proposal would affect BTV, Radio Botswana, the Daily News and BOPA. The opposition Botswana Congress Party has criticized government control over media and has urged that they be privatized or turned into parastatals.

The privately-owned Gaborone Broadcasting Company (GBC), which has operated since 1987, broadcasts mostly foreign-made programming and is the only other television station operating in the country. GBC broadcasts reach viewers only in the capital area.

Independent radio and television from neighboring South Africa are received easily. An analogue television service from South Africa, which had been available free to viewers, was discontinued on October 1, when the signal was scrambled and viewers were required to pay to receive the service. Satellite television from a South African-based company is readily available, although its cost prevents many persons from subscribing to the service.

Internet access is spreading quickly. The Government does not restrict e-mail or Internet usage. Four Internet service providers are available to the domestic market: three of them are private companies, and one, Botsnet, is the commercial arm of the parastatal Botswana Telecommunications Corporation.

During the 1999 election campaign, opposition candidates initially had limited access to state-owned media, including state-owned radio, which was the only domestic radio service and the sole domestic source of news for most of the rural population. During the first part of the campaign season, the state-owned media gave opposition candidates less news coverage than ruling party candidates. When opposition politicians complained about this, the Government initially countered that the activities of ministers and other government figures were inherently more newsworthy and therefore deserving of more coverage. However, the Government subsequently changed its policy, and during the latter part of the election campaign season the state-owned media gave balanced news coverage to the main opposition parties and included stories about the smaller political parties as well. Opposition leaders expressed the view that government media practices seriously disadvantaged opposition parties relative to the ruling party during the election campaign.

On occasion the Government has taken steps, under loosely defined provisions of the National Security Act, to limit publication of information that in its view impinged on national security; however, there were no such incidents during the year. Academic freedom is not restricted.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution provides for the suspension of religious freedom in the interests of national defense, public safety, public order, public morality, or public health. However, any suspension of religious freedom by the Government must be deemed “reasonably justifiable in a democratic society.”

All religious organizations must register with the Government. To register a group submits its constitution to the Ministry of Home Affairs. After a generally simple bureaucratic process, the organization is registered. There are no legal benefits for registered organizations. Unregistered groups are potentially liable to penalties including fines up to \$192 (1,000 Pula), up to 7 years in jail, or both. Except for the case of the Unification Church, there is no indication that any religious organization has ever been denied registration.

The Unification Church was denied registration (but not suspended) in 1984 by the Ministry of Home Affairs on the public order grounds stipulated in the Constitution. The Government also perceived the Unification Church as anti-Semitic and denied registration because of another constitutional provision, which protects the rights and freedoms of individuals to practice their religion without intervention. In the intervening 16 years, although it has petitioned unsuccessfully the offices of the President and Vice President, the Unification Church has made no move to challenge the Ministry's decision in the courts.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice. There are no formal barriers to domestic and international travel or emigration.

Some human rights organizations continued to assert that the Government has pressured several Basarwa (Bushman) communities within the Central Kalahari Game Reserve (CKGR) into relocating to partially built settlements outside of the Reserve. Government officials maintained that the “voluntary” resettlement was necessary in order to provide the Basarwa with better public services and to avoid conflicts between wildlife and humans within the CKGR. When the Basarwa arrived at the new settlements, beginning in 1995, services and facilities were substandard or nonexistent. Although conditions later improved, they remain very basic. The Government permits relocated Basarwa to return to the CKGR, but does not provide services within the reserve. Some international NGO's reported that government game wardens abused the Basarwa in the CKGR; however, no further information was available by year's end.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government has maintained a policy of considering asylum requests only from refugees from bordering countries; although in practice, the Government often considers refugee applications from Angolans. Although the Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by BCR or UNHCR officials, it transferred persons granted refugee status to the Dukwe Refugee Camp, pending resettlement or voluntary repatriation (see Section 1.d.). There were 3,409 refugees at Dukwe by year's end; they were primarily from Namibia, Angola, and Somalia. A small number of refugees were being held in “protective custody” in Mahalapye Prison. At year's end, there were six refugees from Uganda, Kenya, Nigeria, Somalia, and Burundi being held in Mahalapye Prison. The Government strictly applies a policy of first asylum. Refugee applicants who are unsuccessful in obtaining asylum are allowed to remain at Dukwe until the Government refers their cases to the UNHCR for resettlement.

There were reports that BDF soldiers at Dukwe beat and abused Dukwe residents. One refugee applicant claimed that BDF soldiers beat him on December 1 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe has stated that his office is investigating the case (see Section 1.c.).

There were no reports of the forced return of persons to a country where they feared persecution.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since late 1998. Many were armed and linked to the ethnically based opposition groups based in the Caprivi Strip of Namibia. Male refugees linked to such groups requested asylum based on their claim that they were being forced into the Namibian army to fight in the Democratic Republic of the Congo. The Government provided first asylum to all such persons. In consultation with the UNHCR in 1999, the Government began negotiations with the Government of Namibia to facilitate the voluntary return of Namibian refugees. During the year, five persons were returned voluntarily to Namibia. UNHCR experienced problems obtaining permission from Namibia to return other such persons. In August 1999, the Government detained members of a Caprivi separatist group who had fled into the country after a military offensive in Katima Mulilo in Namibia. The group's leader, Meshake Muyongo, was resettled in a third country. Eight of Muyongo's group of 15 Democratic Turnhalle Alliance (DTA) leaders and their families who feared for their safety in Namibia were awaiting adjudication of their resettlement applications by year's end.

During the year, the Government's Refugee Advisory Committee, which includes a UNHCR representative, found that 19 Namibian asylum seekers failed to qualify for asylum. In September the Government filed for the extradition of 15 of these individuals, 13 of whom appeared in court (one was ill, and another fled). One of the 15 accused the Government of unfair detention and violations of human rights and successfully challenged his detention in court (see Section 1.d.). The extradition process was continuing at year's end; three of the cases were returned to Namibia for further documentation, and one other application was dismissed. The 19 failed asylum seekers were being detained in various local jails at year's end. Their trial began in December and was ongoing at year's end.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, generally free and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. Members of the BDP have held a majority of seats in the National Assembly, and as a result also the presidency, continuously since independence.

Elections for the National Assembly were held in October 1999 and generally were regarded as largely free and fair by domestic and international observers, despite preferential access for BDP candidates during much of the campaign to state-owned media including state-owned radio, the sole domestic source of news for most of the rural population, and despite press reports of large anonymous campaign contributions to the ruling party, purportedly by international diamond interests (see Section 2.a.). The BDP increased its majority in the National Assembly from 31 to 37 of 44 seats, thereby ensuring the election of its presidential candidate, incumbent President Mogae. In 1998 Mogae, then Vice President, had succeeded Sir Ketumile Masire as President upon the latter's retirement. Of the 7 seats won by opposition parties in October, the Botswana National Front (BNF) won 6 and the Botswana congress Party (BCP) won 1 seat.

The House of Chiefs, an advisory body with limited powers, is restricted constitutionally to the eight "principal tribes" of the majority Tswana ethnic group and four elected chiefs representing smaller tribes, including the Bakalanga, Lozi, Humbukush, and Bakgalagadi. Consequently, other groups, for example, the Basarwa, Herero, Baloi, or Bayei are not represented there. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens is largely symbolic, but some non-Tswana view it as important in principle (see Section 5). Members of the National Assembly are required to speak English.

The State is highly centralized. There are 406 district governments with elected councilors, but they have no fiscal autonomy and must rely on the central Government for revenue.

In practice women are underrepresented in the political process. However, the 1999 elections doubled the number of women serving in the National Assembly, from 4 to 8 of 44 members. The number of women serving in the cabinet also increased from 3 to 4 of 15 members. Of the 13 High Court justices, 1 was a woman.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Ditshwanelo, the Botswana Center for Human Rights, actively promotes human

rights and investigated alleged abuses. The Metlhaetsile Women's Information Center, Emang Basadi, and Women Against Rape are active on issues concerning women's rights, particularly rape and domestic violence. Government officials are generally cooperative and responsive to these groups. The Government does not have a human rights office.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution forbids State discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and these provisions are implemented in practice by government authorities. However, neither the Constitution nor any known law prohibits discrimination by private persons or entities.

*Women.*—Violence against women remains a serious problem. Domestic abuse is one area of concern. Under customary law and in common rural practice, men have the right to "chastise" their wives. Police rarely are called to intervene in cases of domestic violence. Reports of sexual exploitation, abuse, and criminal sexual assault are increasing, and public awareness of the problem generally is growing. The national police force has begun training officers in handling domestic violence problems to make them more responsive in such cases. Rape is another grave national problem, and the Government acknowledged in 1999 that, given the high incidence of HIV/AIDS, sexual assault has become an even more serious offense. In 1998 Parliament enacted legislation that increased all penalties for rape, incest, and other forms of sexual assault by imposing minimum sentencing requirements where none existed previously. The minimum sentence for rape is now 10 years, with the minimum increasing to 15 years with corporal punishment if the offender is HIV positive and to 20 years with corporal punishment if the offender knew of his or her HIV status. In 1999 a High Court ruled unconstitutional a provision in the new law that allowed the detention of rape suspects without bail. The law does not address the issue of marital rape. A recent study of rape by the police service urges police to develop improved methods of rape investigation, including the use of DNA tests in all rape cases. The police force purchased new equipment and an officer was trained to use it during the year.

Although the Government has become far tougher in dealing with criminal sexual assault, societal attitudes toward other forms of domestic violence remain lax. Half the murders of women were linked to histories of domestic violence. Human rights activists estimate that 6 women in 10 are victims of domestic violence at some time in their lives.

Sexual exploitation and harassment continue to be problems as well, with men in positions of authority, including teachers, supervisors, and older male relatives, pressuring women to provide sexual favors. Greater public awareness and improved legal protection have led more victims of domestic violence and sexual assault to report incidents to the authorities. In March 1999, the Women's Affairs Department submitted the Report on the Study of Socio-Economic Implications of Violence Against Women in Botswana to the Attorney General's office, which is working with all of the ministries to further investigate these problems.

Women legally enjoy the same civil rights as men; however, in practice discrimination persists. A number of traditional laws enforced by tribal structures and customary courts restrict women's property rights and economic opportunities. A woman married under traditional law or in "common property" is held to be a legal minor, requiring her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under a law enacted in 1996, women married under an intermediate system, referred to as "in community of property," are permitted to own immovable property in their own names; however, their husbands still retain considerable control over jointly-held assets of the marriage. The law was a step toward equalizing a husband's and a wife's legal control over property held in community of property. Moreover, the 1998 Deeds Registry Act stipulates that neither spouse can dispose of joint property without the written consent of the other party.

Women have, and increasingly are exercising, the right to marriage "out of common property," in which case they retain their full legal rights as adults. Polygyny is still legal under traditional law with the consent of the first wife, but it rarely is practiced. In September 1998, consultants submitted to the Labor Ministry a report identifying provisions of existing law that potentially discriminate against women.

Well-trained urban women enjoy growing entry level access to the white-collar job market, but the number of opportunities decreases sharply as they rise in seniority. Discrimination against women is most acute in rural areas where women engaged primarily in subsistence agriculture have weak property rights.



Young women do not have access to military or national service training. Military service is voluntary for men only, and available to very few young women who serve as clerical workers. The Government abolished its national service program in April, a program that previously allowed male and female high school graduates to serve in government departments, mostly in rural areas. Government officials recently announced that there are no plans to recruit women into the Botswana Defense Force, due to infrastructure concerns such as lack of adequate living quarters and training facilities that made integration impracticable; the statement prompted women's rights activists to claim a denial of equal opportunity.

The Government and interested NGO's meet regularly to implement the long-term plan of action described in the National Policy on Women adopted in 1996. The plan identifies six critical areas of concern, prioritized as follows: (1) women and poverty, (2) women and powersharing and decisionmaking, (3) education and training of women, (4) women and health, (5) the girl child, and (6) violence against women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the United Nations Development Program, developed the Program Support Document (PSD) in 1997, which provides a framework for implementation of the national policy on women through 2002. Its five target areas include: (1) institutional strengthening at the national level, (2) advocacy and social mobilization, (3) institutional strengthening of NGO's, (4) research and information sharing, and (5) economic empowerment.

A number of women's organizations have emerged to promote the status of women. The Government has entered into a dialog with many of these groups. While some women's rights groups reportedly felt that the Government has been slow to respond concretely to their concerns, women's NGO's state that they are encouraged by the direction of change and by the increasingly collaborative relationship with government authorities. Major women's NGO's include the Emang Basadi Women's Association, which promotes the social, economic and legal status of women; the Metlhaetsile Women's Information Centre, which provides legal assistance to poor women; and the Botswana Council of Women.

*Children.*—The Government provides 7 years of free primary education for children, although attendance is not compulsory. Government estimates of the proportion of children who never attend school have ranged from 10 to 17 percent, and fewer than 20 percent of children complete secondary school; school attendance and completion rates are highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa (San or Bushmen). The national literacy rate is 69 percent: 70 percent for females and 67 percent for males. However, in some cases, girls are denied schooling because of religious or customary beliefs. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second-largest portion to the Ministry of Local Government, Lands, and Housing, which administered primary education. It also continued to allocate a large part of its investment expenditures to construct primary and secondary schools, so that children have ready access to education.

It was estimated during the year that 35.8 percent of adults are infected with HIV/AIDS, and due largely to deaths from HIV/AIDS, 60,000 orphans were registered by the Ministry of Health countrywide. Increasing numbers of children, mostly believed to be orphans, were observed begging or engaging in prostitution in urban areas. Orphans infected with HIV/AIDS also were denied inheritance rights by their relatives.

The rights of children are addressed in the Constitution and the 1981 Children's Act. Under the act, The country has a court system and social service apparatus designed solely for juveniles. The Government launched a 10-year program of action for children in 1997, incorporating the seven major global goals identified at the 1990 U.N. World Summit for Children. In 1996 the Ministry of Labor and Home Affairs transferred responsibility for children to the Social Welfare Department in the Ministry of Local Government, Lands, and Housing. Laws pertaining to children continued to be under review to align them with the UN Convention on the Rights of the Child. The Adoption Act also continued to be reviewed to ensure that adopted children are provided for and not exploited as cheap labor.

There is no societal pattern of abuse against children, although incest and other forms of child abuse have received increased attention from the media and from local human rights groups.

The problem of sexual harassment of students by teachers is a national concern. Reports of rape and sexual assault of young women, and cases of incest and "defilement" of young girls appear with greater frequency in the news. The age of sexual consent is 16. Child prostitution and pornography are criminal offenses, and 1998 amendments increased penalties for "defilement" of persons under 16.

*People with Disabilities.*—The Government does not discriminate on the basis of physical or mental disability, although employment opportunities for the disabled remain limited. The Government does not require accessibility to public buildings and public conveyances for persons with disabilities, and the NGO community only recently has begun to address the needs of the disabled. In 1997 Parliament adopted a national policy that provides for integrating the needs of disabled persons into all aspects of government policymaking. The Government funded NGO's that provide rehabilitation services and supported small-scale work projects by disabled workers.

*Indigenous People.*—The Basarwa (also known as San), who now inhabit chiefly the Kalihari Desert, are the earliest known inhabitants of the country, and were the only inhabitants until Bantu groups arrived during the 16th century. They are physically, linguistically, and culturally distinct from the rest of the population. They remain economically and politically marginalized; they have lost access to their traditional land in fertile regions of the country and are vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52-55,000 Basarwa persons represent about 3 percent of the country's total population. Although the Basarwa traditionally were hunter-gatherers, most Basarwa now are employed as agricultural workers on farms or at cattle posts belonging to other ethnic groups. The formation of the 20,000 square mile Central Kalahari Game Reserve (CKGR) by the colonial government in 1961 on traditional Basarwa lands set the stage for conflict between the Basarwa's pursuit of their traditional way of life and wildlife conservation. The Government in the past followed a policy of prohibiting human habitation in the CKGR with the goal of wildlife preservation, but has made accommodation for the estimated 1,000 to 3,000 Basarwa who still pursue hunting and gathering there. The Government has provided very limited social services within the CKGR, and has encouraged those living there to leave the reserve for permanent settlements; there were some reports that the Government sometimes forced Basarwa to leave the reserve. However, the Government has made little real progress since international attention in 1996 focused on the intractable problem of resettling Basarwa living in the CKGR. Both the Basarwa and the Government are seeking out concerned NGO's to assist with the resettlement process and to address the larger issue of improving the Basarwa's standard of living without sacrificing what remains of their traditional way of life.

*National/Racial/Ethnic Minorities.*—Well over half of the country's 1.5 million inhabitants belong to the Tswana ethnic group, of which the Constitution recognizes eight principal tribes, and which has a tradition of peacefully coexisting with non-Tswana groups. Some non-Tswana ethnic groups are more numerous than the Tswana in some rural areas of the country: the Kalanga and Lozi in areas of the north; the Bayei and Herero in the Okavango Delta region; and the Basarwa in the arid west. There are also communities of persons of Asian and European descent.

Apart from the lack of schooling in their own languages and their present lack of representation in the House of Chiefs (see Section 3), the country's non-Tswana communities are not subject to discrimination by the State. Societal discrimination also is limited. Intermarriage between Tswana and non-Tswana ethnic groups is common. Urban neighborhoods are not ethnically segregated. There generally is little correlation between income and ethnicity among persons of African descent, although many persons of Asian and European descent are prominent in the commercial sector.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of association. In practice all workers are free to join or organize unions of their own choosing. The country ratified ILO Convention 151 during the year, which permits government employees to organize their own unions. The industrial or wage economy is small, and unions are concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There is only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there are no obstacles to the formation of other labor federations.

Unions are independent of the Government and are not closely allied with any political party or movement. Unions may employ full-time administrative staff, but the law requires elected union officials to work full time in the industry that the union represents. This rule severely limits union leaders' professionalism and effectiveness, and has been criticized by the International Confederation of Free Trade Unions (ICFTU).

The law also severely restricts the right to strike. Legal strikes are theoretically possible after an exhaustive arbitration process, but in practice none of the country's strikes has been legal. Sympathy strikes are prohibited.

Unions may join international organizations, and the BFTU is affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement, but unions may appeal to the courts if an application for affiliation is refused.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for collective bargaining for unions that have enrolled 25 percent of a labor force. In reality only the mineworker unions have the organizational strength to engage in collective bargaining. Elected labor union officials are required by law to work full time in whatever industry they represent; consequently, there are no full-time elected labor leaders in the country. However, unions may employ full-time staff.

Workers may not be fired for union-related activities. Dismissals may be appealed to labor officers or civil courts, but labor offices rarely do more than order 2 months' severance pay.

The country has only one export processing zone, located in the town of Selebi-Phikwe, and it is subject to the same labor laws as the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The constitutional provision prohibiting forced or bonded labor applies to all citizens, although there are no laws that specifically prohibit forced or bonded labor by children; there were no reports of forced or bonded labor.

*d. Status of Child Labor Practices and Minimum Age for Employment of Children.*—Although education is not compulsory, the Government provides 7 years of free primary education to every child, and most children take advantage of this opportunity. Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 15 may be employed in any industry. Only persons over age 16 may be hired to perform night work, and no person under age 16 is allowed to perform hazardous labor, including mining. District and municipal councils have child welfare divisions, which are responsible for enforcing child labor laws. Two laws focus on the protection of orphans and adopted children from exploitative labor. The Adoption Act ensures that adopted children are not exploited as cheap labor, and the Employment Act protects orphans from exploitation as cheap labor or coercion into prostitution. Because research on the issue of child labor is limited, it is difficult to state whether child labor laws are enforced effectively. However, there is general agreement among the Labor Commissioner, officials of the Ministry of Local Government, Lands, and Housing, and UNICEF that the child labor problem is limited to young children in remote areas who work as cattle tenders, maids, or babysitters.

The Government ratified ILO Convention No. 182 on the worst forms of child labor on January 3, and is in the process of bringing its national laws into compliance with international treaty obligations. The Government launched a 10-year program of action for children in 1997; however, implementation has proceeded slowly.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although there are no laws that specifically prohibit forced or bonded labor by children (see Section 6.c.); there were no reports of forced or bonded labor by children.

*e. Acceptable Conditions of Work.*—The minimum daily wage for most full time labor in the private sector was \$3.15 (17 Botswana pula), which remained less than 50 percent of what the Government calculates is necessary to meet the basic needs of a family of five. Wage policy is determined by the Cabinet, which decides on recommendations made by the National Economic, Manpower and Incomes Committee (NEMIC), which consists of government, BFTU, and private sector representatives. The Ministry of Labor is responsible for enforcing the minimum wage, and each of the country's districts has at least one labor inspector. Civil service disputes are referred to an ombudsman for resolution. Private labor disputes are mediated by labor commissioners, but insufficient numbers have resulted in 1 to 2 year backlogs. In 1999 the Ministry of Labor received over 9,000 labor disputes and referred a small but undisclosed number of them to the Industrial Court for its review, which currently has a 9-18 month backlog.

Formal sector jobs almost always pay well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food are included, frequently pay below the minimum wage. There is no mandatory minimum wage for domestic workers, and the Ministry of Labor no longer recommends a minimum wage for them. Illegal immigrants from poorer neighboring countries, primarily Zambians and Zimbabweans, are exploited easily in labor matters, as they would be subject to deportation if they filed grievances against their employers.

The law permits a maximum 48-hour workweek, exclusive of overtime, which is payable at time and a half for each additional hour. Most modern private and public sector jobs are on the 40-hour workweek.

The law provides that workers who complain about hazardous conditions may not be fired. However, the Government's institutional ability to enforce its workplace safety legislation remains limited by inadequate staffing and unclear jurisdictions between different ministries. Nevertheless, employers generally provide for worker safety, with the occasionally notable exception of the construction industry.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons, although penal code provisions cover such related offenses as abduction and kidnapping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution. There were no reports that persons were trafficked to, from, within, or through the country.

## BURKINA FASO

President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite increasing challenges from a number of fronts within society. In spite of the existence of dozens of political parties, there is little viable opposition to the President and his Government. The Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assembly, and the judiciary. In November 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted. Both national and international observers described the presidential election as substantially free and fair and an improvement over the 1997 legislative elections, particularly with regard to the logistical organization of the balloting and the functioning of the polling stations; however, there were a limited number of voting irregularities. The national observers identified a number of systemic weaknesses in the electoral code that precluded the serious assurance of a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. The CDP now controls 102 of 111 seats in Parliament. International observers considered the 1997 legislative elections to be substantially free and fair, although a collective of 14 local nongovernmental organizations (NGO's) cited generalized and systematic corruption and voter list irregularities. In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that, among other items, ceded one-third of the cabinet posts to the opposition. The judiciary is subject to executive influence.

The security apparatus consists of the armed forces and the gendarmerie, both of which are controlled by the Ministry of Defense; the national police, controlled by the Ministry of Territorial Administration; and the municipal police, controlled by municipalities. Some members of the security forces committed human rights abuses.

Over 80 percent of the population of approximately 11.4 million persons engages in subsistence agriculture. Frequent drought, and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, are long-standing problems. The 50 percent devaluation of the CFA franc in 1994 made imports more expensive for salaried workers and civil servants, but improved the competitiveness of livestock and cotton exports. Since 1991 the Government has adopted a series of structural adjustment programs designed to open the economy to market forces and to reduce government deficits, while shifting resources to the education and health sectors. In recent years, the country has registered strong gains in life expectancy, literacy, and school attendance rates, although it remains a very poor country with annual per capita income of about \$240.

The Government's human rights record remained poor in a number of areas; although there were improvements in a few areas, serious problems remain. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the 1998 presidential election represented a further step toward democratic government. The security forces were responsible for at least one extrajudicial killing and continued to mistreat detainees. Prison conditions remained harsh. Arbitrary arrest and detention are problems, and authorities do not ensure detainees due process. Although the Government continued attempts to improve its respect for human rights, a general climate of impunity for members of the security forces and members of the President's family, along with a lack of progress in identifying or punishing those responsible for abuses committed, continued to tarnish its record. Courts are subject to executive influence, and authorities do not ensure fair trials. At times authorities restricted media activity, and the media practices self-censorship. The death of internationally respected journalist

Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government restricted freedom of assembly. Violence and discrimination against women persisted. Violence against children, particularly female genital mutilation (FGM), remained a problem. The Government took steps to educate citizens about the dangers of FGM. Child labor is a problem and there were occasional reports of trafficking of women and children. Killings of criminal suspects by vigilante mobs remained a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, there was one extrajudicial killing. On December 6, gendarmes shot and killed Flavien Nebie, a 12-year-old student, while forcibly dispersing a student demonstration in the town of Bousse (see Section 2.b.). The Government characterized the killing as accidental and, at year's end, promised an investigation.

In August 1999, police officers shot and killed mechanic Mamadou Kone when he was in their custody in Banfora, a village in the province of Comoe. Kone had been arrested as a result of an investigation involving stolen car engines; while he was being booked, Kone struck at two police officers in an attempt to escape. He then was shot by a third police officer. The policeman accused of assaulting and killing Kone was indicted for involuntary homicide in September 1999 and held in custody until he was released on bail in March. At year's end, a trial date had not been set.

The January 1998 extrajudicial killing of David Ouedraogo, the chauffeur of President Compaore's brother Francois, was resolved in August. Ouedraogo, along with two other domestic employees of Francois Compaore, had been taken to the Presidential Guard barracks in December 1997 after being accused of stealing money from the home of the President's brother. Francois Compaore's refusal to cooperate with judicial authorities impeded the official investigation, and he was never arrested. In March 1999, the civil court handling the case declared itself incompetent to rule on the matter since Ouedraogo died at the hands of members of the Presidential Guard within their barracks. As a result, the case was sent to a military tribunal.

Six members of the Presidential Guard were implicated in the Ouedraogo killing. One died in a road accident before criminal charges could be filed against him; five were arrested in 1999. On August 19, the military tribunal found three of the defendants guilty of assaulting and killing Ouedraogo; two of the convicted defendants received 20-year prison sentences, and the other received a 10-year sentence. The military tribunal acquitted the final two defendants, the lowest ranking of the accused Presidential Guards, on the basis of insufficient evidence. Warrant Officer Abdoulaye Siemde, who admitted falsifying a police report in the David Ouedraogo case, died on May 26 in the mental ward of Ouagadougou's main hospital under unknown circumstances.

The Independent Investigatory Commission examining the deaths of journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 released its report in May 1999. The report determined that the four died for "purely political motives" and postulated that the probable reason for Zongo's murder was to stop the articles that he was writing on the January 1998 killing of David Ouedraogo. The Commission stated that the six members of the Presidential Guard implicated in the Ouedraogo case also were "serious suspects" in the Zongo murder. The Commission also noted that official documents from the Presidential Guard and the army that might have shed light on the whereabouts of the six Presidential Guard members on the day of the murders could not be found and probably were destroyed intentionally. During the year, the Zongo case remained a highly divisive issue. Despite the convictions of three of the five accused Presidential Guard members for the apparently related killing of David Ouedraogo and despite strong public sentiment favoring a trial of Zongo's alleged killers, by year's end, no one was charged in the Zongo case.

In its report on the Zongo case, the Independent Investigatory Commission also recommended that the separation of functions between the police and the military be enforced; that the Presidential Guard limit its duties to the protection of the Chief of State; that unresolved cases of disappearances and killings in the recent past be settled; and that the National Assembly pass a law to eliminate any time limit for resolving the Zongo case. At year's end, the separation of functions between the police and military was being enforced; however, the Presidential Guard had not limited officially its duties to protecting the President nor had it been reorganized, no unresolved cases of disappearances and killings in the recent past were settled,

and the National Assembly had not passed a law to eliminate any time limit for resolving the Zongo case.

In May 1999, in response to the Independent Investigatory Commission's report, the President announced the creation of a Council of Wisemen to review the political crimes that have taken place since the country's independence, and to make recommendations for restoring social peace in the wake of the Zongo killings. In August 1999, the Council of Wisemen issued its final report which recommended reform of the judicial system; creation of a temporary, consensual commission to review certain articles of the Constitution; formation of a government of national unity; creation of a truth and justice commission to direct the nation's reconciliation process; and dissolution of the National Assembly. By year's end, only the recommendation to restructure the government had been accepted (see Section 3).

No progress was made in punishing those responsible for abuses reported in previous years. The major problem with law enforcement remains a general climate of impunity for human rights abusers and members of the President's family, fostered by the failure of government investigations to result in guilty findings and appropriate sanctions. Inquiries tend to continue until they are overshadowed by subsequent incidents or quietly shelved. Appeals by human rights organizations generally go unanswered.

On December 21, the trial of a gendarme accused of fatally shooting two unarmed high school demonstrators in the city of Garango in 1995 was delayed indefinitely to permit a new government investigation; the original investigation was seriously flawed.

In June militiamen who claimed allegiance to Naba Tigre, the traditional chief of the city of Tenkodogo, killed trader Mamadou Kere, reportedly for showing disrespect to Naba Tigre. The victim actually had criticized Naba Tigre's son, a parliamentarian who supported the CDP. Although Naba Tigre was temporarily held in police custody from July 7 to 19, he was released, and at year's end, no one had been charged in Kere's killing.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged criminals, who typically were burned or beaten to death. On several occasions during the year, vigilantes destroyed the property of persons accused of sorcery and expelled them from their communities.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits the mistreatment of detainees; however, members of the security forces continued to mistreat persons and suspects are often subject to beatings, rough handling, and threats, frequently to extract confessions. There are credible reports that officials at Maco prison continued to employ degrading treatment subjecting prisoners to overcrowded, unsanitary conditions and providing inadequate food. The Government is not known to have taken any disciplinary action against those responsible, and the climate of impunity created by the Government's failure to prosecute abusers remains the largest obstacle to ending abuses.

On April 8, police used tear gas and batons to disperse a march, injuring 20 persons (see Section 2.b.). On April 10, while dispersing continued violent protests, security forces arrested several marchers and shaved their heads while they were in custody (see Section 2.b.).

On April 12 to 13, police arrested 20 demonstrators and shaved the heads of several demonstrators while they were in detention (see Section 2.b.).

On August 30, police used tear gas to disperse refugees peacefully demonstrating for improved living conditions and transfer to other countries (see Section 2.d.).

On November 30, gendarmes detained approximately 15 students, reportedly beat them, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.d. and 2.b.).

On December 6, police used tear gas and fired upon a student demonstration in Bousse, killing a boy (see Sections 1.a. and 2.b.).

Prison conditions are harsh, overcrowded, and can be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, houses approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet is poor, and inmates often must rely on supplemental food from relatives. There are separate facilities for men, women, and children.

According to human rights monitors, prison visits are granted at the discretion of prison authorities. Permission is granted routinely, and advance permission is not required.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention were problems, and authorities did not ensure due process. The Constitution provides for the right to expeditious arraignment and access to legal counsel. The law limits de-

tention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, in practice police rarely observe these provisions. The average time of detention without charge is 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It is not unusual for defendants without access to legal counsel to be imprisoned for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense.

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou. After forcibly removing the students from a church, gendarmes reportedly beat the students, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.c. and 2.b.).

In November 1998, eight armed policemen temporarily detained opposition Party for Democracy and Progress (PDP) deputy Gerard Karambiri and a PDP supporter. Police awakened both men in their respective homes in the early hours of the morning. The officers lacked the required warrants and entered their homes at times other than the 6 a.m. to 9 p.m. "legal hours." Police took them to headquarters, interrogated them for about 2 hours, and then released them. Parliamentarians believed that the detention of Deputy Karambiri violated the parliamentary immunity granted to all deputies under the Constitution. Several days later, after demanding that the detentions be investigated fully, PDP deputies walked out of the National Assembly in protest. The governing CDP parliamentary group expressed support for the PDP, and National Assembly President Melegue Traore addressed a letter to the Prime Minister asking that the incident be investigated. At year's end, the Government has not responded.

While dispersing violent protesters on April 10, security forces arrested several marchers and shaved their heads while in custody (see Section 1.c.). On April 12 to 13, the police arrested 6 prominent leaders and approximately 12 members of the Collective of Mass Democratic Organizations and Political Parties following a demonstration.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive influence. The President has extensive appointment and other judicial powers. The Constitution stipulates that the Head of State is also the President of the Superior Council of the Magistrature, which can nominate and remove some high-ranked magistrates and can examine the performance of individual magistrates.

The Zongo killing (see Section 1.a.) and its aftermath have focused attention on the severe weaknesses in the justice system, including removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

The Constitution provides that the Supreme Court is the highest court in the country. Beneath the Supreme Court are 2 Courts of Appeal and 10 provincial courts ("de grande instance"). There is also a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. In 1995 the National Assembly passed legislation reforming the military court system, making military courts less susceptible in principle to executive manipulation; however, their independence has not yet been demonstrated.

In addition to the formal judiciary, customary or traditional courts, presided over by village chiefs, handle many neighborhood and village problems, such as divorce and inheritance disputes. The population generally respects these decisions, but citizens also may take a case to a formal court.

The Constitution provides for the right to public trial, access to counsel, and has provisions for bail and appeal. While these rights generally are respected, the ability of citizens to obtain a fair trial remains circumscribed by their ignorance of the law—78 percent of the population is illiterate—and by a continuing shortage of magistrates. Amendments to the Penal Code to make it more relevant to modern requirements, such as the revision making FGM a crime, were adopted by Parliament in 1996 and entered into effect in 1997.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for these rights, and in practice the authorities generally do not interfere in the daily lives of ordinary citizens. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The 1991 Constitution and the 1990 Information Code provide for freedom of speech and of the press; however, in practice these freedoms still remain circumscribed both by government action and by a certain degree of self-censorship. The President and his Government remain sensitive to criticism. Provisions in the code granting the Government strong legal powers to intimidate the press through a broad interpretation of defamation were removed in 1993. As a result, journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death of internationally respected journalist and newspaper editor Norbert Zongo in December 1998 raised serious questions on the limits to the exercise of this freedom (see Section 1.a.). Zongo was well known for his investigative reports on government scandals.

All media are under the administrative and technical supervision of the Ministry of Communication and Culture. The audiovisual media are regulated further by the Superior Council of Information (CSI).

The official media, including the daily newspaper *Sidwaya*, and the national radio and television displayed progovernment bias. The independent press includes five daily and approximately a dozen weekly newspapers; some newspapers appear only occasionally. There are more than 50 independent radio stations and a religious television station. The only private commercial television station ceased to broadcast in 1999, due to financial difficulties. These media outlets included stations that are critical of the Government.

In 1998 the CSI released new regulations for private and independent radio and television; which entered into effect in 1999. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations are held responsible if their call-in programs threaten the public order or the rights of any third party. On April 14, the Government permanently suspended call-in programs, which allowed criticism of the Government, on two private FM stations. The Government also temporarily closed one of the stations, Radio Horizon, from April 16 to June 17. In May 1999, employees from two radio stations were questioned by the police after broadcasting a call-in show on the Zongo killings that featured the secretary general of Reporters Without Borders, Robert Menard. After being threatened with formal expulsion, Menard involuntarily left the country. In September 1999, he was denied entry into the country.

National and international observers reported that the CSI effectively fulfilled its responsibilities under the Electoral Code to assure equal media treatment of the candidates during the period prior to the November 1998 presidential election. The collective of independent election observers stated after the election that the press generally was open to the different candidates. Press reporting on candidates' campaigns, with the exception of the national television and state-owned newspaper, which initially gave the President more attention than that provided to the other two candidates, became more balanced after a complaint presented to the CSI early in the campaign by Green Party candidate Ram Ouedraogo.

Academic freedom is respected. In April the Government closed the University of Ouagadougou and primary and secondary schools in Ouagadougou and several other cities in response to political demonstrations by students. The primary and secondary schools reopened in approximately a week, and the University reopened several weeks later. In October the Government again closed the University in response to a series of strikes, walkouts, and violent confrontations between riot police and student groups. After instituting a series of reforms and conceding to the concerns of teachers and student groups, University registration began in late December. The University was scheduled to reopen early in 2001.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. Police forcibly dispersed several demonstrations, and in December the Government banned all public demonstrations or gatherings except for weddings, funerals, and religious ceremonies. At year's end, the ban remained in effect.

Previously, political parties and labor unions were allowed to hold meetings and rallies without requesting Government permission. However, the law requires that authorities be notified in advance of planned demonstrations and gives the executive the right to invoke the need to preserve public order to forbid demonstrations. Penalties for violations include 2 to 5 years imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.



On April 8, security forces dispersed a march protesting the impunity from prosecution of members of the President's family and entourage. The police used tear gas and batons to disperse the demonstrators, injuring 20 persons.

Protests continued on April 10 for progress on the Zongo case and expanded political freedom and a more effective justice system.

While dispersing violent street demonstrations, police arrested several persons and shaved their heads while they were in custody. From April 12 to 13, the Collective of Mass Democratic Organizations and Political Parties led largely peaceful demonstrations to demand truthful information in both the Zongo and David Ouedraogo cases (see Section 2.b.). The police arrested approximately 12 members and 6 prominent leaders of the collective, including human rights leader Halidou Ouedraogo; lawyer Benewende Sankara; union leader Tole Sagnon; and Sankarist party leader Norbert Tiendrebeogo. The police detained them (without charge) for 3 days and shaved their heads while they were in custody.

On August 30, police used tear gas to disperse refugees demonstrating for improved living conditions (see Section 2.d.).

In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case, although it was ignored generally by the private sector (see Section 6.a.).

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou, reportedly beat them, stripped them to their undergarments, and left them in a park near the outskirts of the city (see Sections 1.c. and 1.d.).

On December 6, students from Ouagadougou University demonstrated in the town of Bousse against proposed government reforms at the university. Gendarmes used tear gas to disperse the demonstration and fired upon the demonstrators, killing a boy. The Government subsequently banned all public demonstrations until further notice.

Despite the ban on demonstrations, a small group of protesters marked the second anniversary of Zongo's death on December 13; security forces dispersed them with tear gas.

Journalists and human rights activists were not permitted to hold public meetings during the International Press Freedom Festival in Ouagadougou on December 12 to 16. The Government also refused to permit a number of foreign journalists and human rights activists to enter the country to attend the festival.

The Constitution provides for freedom of association, and the Government generally respects this in practice. Since early 1990, political parties and labor unions usually have been permitted to organize without seeking government permission.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government requires that religious groups register with the Ministry of Territorial Administration. Registration establishes a group's legal presence in the country but entails no specific controls or benefits. There are no penalties for failure to register.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement, and authorities generally respect this right in practice. Gendarmes routinely stop travelers for identity and customs checks and the levying of road taxes at police and military checkpoints; some foreign journalists were not permitted to enter the country. There is no restriction on foreign travel.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Section 4).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugees are accepted freely. The Government provides first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Most refugees departed voluntarily for neighboring countries; however, a few hundred refugees from the Great Lakes region remained in the country at year's end. The majority of these refugees come from the Democratic Republic of the Congo, Congo Brazzaville, and Chad; they live singly or in small groups in Ouagadougou.

During the year, 30 of the 600 refugees from several Francophone Africa countries who were resettled in the country in 1998 by the UNHCR held a sustained protest regarding their harsh living conditions. They accused the Foreign Ministry's National Committee for Refugees of misappropriating large sums of money intended for the refugees. On August 30, police used tear gas to disperse demonstrating refugees.

There were no reports of the forced return of persons to a country where they feared persecution. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the constitutional right to change their government through multiparty elections; however, although the November 1998 presidential election represented a further step toward democratic government, in practice citizens are unable to exercise this right fully due to the continued dominance of the President and his ruling party. President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The irregularities cited by observers in the actual voting process were limited in number and scope and did not appear to affect the ultimate outcome of the election. However, the national observers identified a number of systemic weaknesses in the electoral code that precluded a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

In October 1999, President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate. In October 1999, the Council of Ministers passed decrees creating a Commission for Political Party Consultations and a Commission of National Reconciliation. The Commission issued a final report in December 1999. The President announced in his traditional 1999 New Year's Eve address that he would accept all of the report's recommendations, including designating a formal leader of the opposition in Parliament and reintroducing presidential term limits beginning in 2005. He said that he would call new parliamentary elections "if necessary." At year's end, he had taken none of the recommended steps.

In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that ceded one-third of the cabinet posts to the opposition. Ernest Yonli was designated Prime Minister. The protocol also set out a commitment to strengthen dialog with opposition parties, civil society, associations, and trade unions, and to strengthen ethics in political life. Members of the opposition held 12 of 36 posts, but members of the largest opposition party, the Party for Democracy and Progress (PDP) as well as the other parties belonging to the G-14 bloc, refused to participate in the Government.

The 1997 legislative elections gave the ruling CDP 101 out of 111 parliamentary seats. (The CDP now controls 102 seats because of a defection to the ruling party by an opposition deputy.) The victory reflected both general support for policies of the governing party and a lack of viable opposition alternatives. While international observers described the elections as substantially free and fair, a collective of 14 local NGO's cited generalized and systematic corruption and voter list irregularities. The Supreme Court annulled the results in four constituencies because of these irregularities.

In May 1998, the National Assembly approved the establishment of an independent National Electoral Commission (CENI), funded by the Government. Although developing electoral lists remains the responsibility of the Ministry of Territorial Administration and Security, the CENI is responsible for creating a census bureau, installing voting stations, training poll workers, organizing election observation, ensuring election security, and distributing election material. During the 1998 presidential election, the CENI was unable to carry out its functions in some areas due to inadequate staffing. On May 17, the Government promulgated a new electoral code that gave the CENI more independence. Under the revised code, the CENI has full responsibility for managing its budget and is the only organization responsible for monitoring elections and referendums. However, during the September 24 municipal elections, the CENI appeared to defer to the Government on important questions such as postponing the elections and candidate eligibility.

The CDP won over 70 percent of the seats in nationwide municipal elections held on September 24, but lost its majority in Koudougou, the third largest city. The CDP won the majority of seats, and thus the mayor's office, in 42 of the country's 49 communes. Despite some allegations of fraud, the vote was held without disruption and the CENI generally had adequate staff and personnel to perform its duties. Nationwide turnout was approximately 60 percent of registered voters, but less than half of eligible voters were registered. Seventeen parties participated in the elections; however, 8 opposition parties actively boycotted them.

The Compaore Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assem-

bly, and the judiciary. The legislature is independent, but it remains susceptible to external influence from the executive branch.

In November 1999, a presidential decree established a Commission on Political Reforms. Pursuant to the Commission's recommendation in December 1999, Article 37 of the Constitution was amended in April to provide that the presidential term of office be 5 years, renewable once, starting in 2005; the provision is not retroactive. Previously the Constitution allowed the President to run for an unlimited number of terms.

There are no restrictions in law or practice on the participation of women or minority group members in politics; however, women are underrepresented in government and politics. Only 4 of the 36 ministers and 8 of the 111 National Assembly deputies are women. The President of the Social and Economic Council is a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the Congress for Democracy and Progress voted at its first ordinary Congress held in July 1999 to increase the number of women on its National Executive Council from two to six.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

In general the Government did not interfere with the activities of local human rights organizations during the year. A number of such groups operated during the year according to monitors, including the Burkinabe Movement for Human Rights (MBDHP), GERDES, and the Association of Christians for the Abolition of Torture (ACAT).

In March 1999, the Council of Ministers terminated the agreement that had existed between the Government and the InterAfrican Human Rights Union (UIDH) since 1995. The Council stated in 1999 that UIDH head Halidou Ouedraogo, who also served as president of the Burkinabe Movement for Human Rights (MBDHP) and as president of the collective, had mixed politics with human rights and thus acted in ways incompatible with the agreement. The Council also considered illegal the UIDH's participation on a parallel inquiry commission that was set up in January 1999 by the Collective to investigate the Zongo killings. Under the 1995 agreement, the UIDH benefited from tax exemptions, a government subsidy that paid \$500 (300,000 CFA) a month to rent temporary offices for the organization; Ouedraogo, a Burkinabe national, had enjoyed diplomatic immunity as head of an international organization. In May the President promised to reinstate the agreement providing a tax exemption and subsidy to the UIDH; however, these actions had not taken place by year's end.

The Government again failed to answer inquiries from international human rights organizations concerning past abuses.

Amnesty International (AI) still is awaiting the results of the Government inquiry into the 1995 killings in Garango, but the Government has not responded to AI's request for information.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP is affiliated with the InterAfrican Human Rights Union (UIDH) and representatives of other human rights groups visited the country during the year.

In 1994 the Government announced the creation of the Office of Ombudsman, called "Mediateur du Faso." Retired General Marc Garango was appointed to the position, which is responsible for mediating disputes between the state and its citizens. In June 1998, the Ombudsman's Office issued its first activity report, which indicated that half the cases brought before it dealt with career problems of civil servants and the other half with a variety of issues, including land questions and bureaucratic inaction. On July 20, Garango issued another report and retired effectively on November 10. The report attempted to resolve approximately 300 outstanding citizen complaints against the Government and urged the Government to pay compensation in a number of cases.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination on the basis of race, religion, or ethnic origin. Minority ethnic groups, like the majority Mossi, are represented in the inner circles of the Government, and government decisions do not favor one group over another.

*Women.*—Violence against women, especially wife beating, occurs frequently. Cases of wife beating usually are handled through customary law and practice. There are no statistics on rape, although it is recognized as a crime. Spousal rape is not discussed. There are organizations that counsel rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Burkinabe Movement for Human Rights, the Association of Women, and Promofemmes, a regional network that works to combat violence against women. The Government is attempting to change attitudes toward women, using education through the media. The Penal Code explicitly prohibits sexual harassment, but it has no special laws protecting women against violence other than general laws dealing with violence.

Forced marriage is prohibited by law with specific penalties under the Penal Code for violators. Polygyny is permitted, but both parties must agree to it prior to a marriage, and the woman maintains the power to oppose further marriages by her husband if she can provide evidence that he abandoned her and her children. Either spouse can petition for divorce; custody of children is granted to either parent on the basis of the children's best interests.

Although the law provides equal property rights to women and some inheritance benefits depending on other family relationships, in practice customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belongs to the family of the man whom a woman marries. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There are no specific constitutional provisions or laws protecting women, who face extensive discrimination. In general women continue to occupy a subordinate position and experience discrimination in such areas as education, jobs, property, and family rights. Overall, women represent 45 percent of the work force; however, in the modern sector women make up one-fourth of the government work force, although they usually are found in lower paying positions. Women still do much of the subsistence farming work. After the May 1997 parliamentary elections, the Government created a Ministry of Women's Affairs and appointed a woman as minister; the minister actively promoted women's rights during the year.

There were occasional reports of trafficking in women (see Section 6.f.).

*Children.*—The Constitution nominally protects children's rights. The Government has demonstrated its commitment to improving the condition of children by continuing a national policy to revitalize primary health care through the privatization of hospitals, which provided greater autonomy in hospital management. The Government has stated its commitment to improve access to primary education and as of 1996 had raised the literacy rate to 22 percent. Although the law provides for free compulsory primary education, the Government lacks the means to provide universal, free primary instruction; many children, especially girls, do not attend school. A 1995 estimate indicated that about 30 percent of males and 9 percent of females were literate. The Government devoted approximately 21 percent of its budget to education and provided free primary school education to all children. If a child qualifies on the basis of grades and social condition (that is, the family is "poor"), free education can continue through junior high and high school. In practice the family condition requirement often is ignored, giving many children a free education through high school.

Females constitute approximately one-third of the total student population in the primary school system and are represented in the secondary and higher educational systems, although the percentage decreases significantly beyond the primary level. Schools in rural areas have disproportionately fewer female students than schools in urban areas. The Government has set up a scholarship program for female secondary students to encourage them to stay in school.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, still is practiced widely, especially in many rural areas, and usually is performed at an early age. The percentage of females who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and The National Committee for the Fight Against Excision campaigns against the practice. The Penal Code was revised in 1996 to make FGM a crime, with stricter punishments for those involved in its practice. Perpetrators are subject to 6-months to 3-years imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. According to press reports in 1999 and during the year, some persons who have practiced FGM and the victims' parents were arrested, and some FGM practitioners were prosecuted and received prison sentences under the 1996 law forbid-

ding FGM. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually is disappearing.

There were occasional reports of trafficking in children (see Sections 6.c. and 6.f.).

*People with Disabilities.*—While there are modest government subsidies for workshops for the disabled, there is no government mandate or legislation concerning accessibility for the disabled. There is no legislation to protect persons with disabilities from discrimination. Programs to aid the disabled are limited, but human rights groups are not aware of any discrimination against the disabled.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1962 Labor Code has been amended several times during the past decade. During the year, the Government repealed provisions requiring public servants to respect the revolutionary order under penalty of disciplinary sanctions. Under this legislation, workers, including civil servants, traditionally have enjoyed a legal right of association, which is recognized under the Constitution. There are 4 major labor confederations and 12 autonomous trade unions linked by a national confederal committee. They represent a wide ideological spectrum; the largest and most vocal member espouses socialist doctrine. Approximately 85 percent of the workforce is engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees are union members. Essential workers, such as police, may not join unions.

The Constitution provides for the right to strike, and workers use strike actions to achieve labor goals. Many strikes were called throughout the year both by labor organizations to advance workers' objectives, and by the Collective of Mass Organizations and Political Parties to press for justice in the aftermath of the Zongo killings. The Government allowed peaceful strikes on a number of occasions, including in the health and banking sectors. University and medical students also struck on several occasions, including strikes in February and May protesting for improved study and working conditions, better food, and subsidized transportation. In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case (see Section 1.a.), although it was ignored generally by the private sector (see Section 2.b.).

Labor unions may affiliate freely with international trade unions. The National Confederation of Burkinabe Workers is affiliated with the Brussels-based World Confederation of Labor.

*b. The Right to Organize and Bargain Collectively.*—Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. These negotiations are governed by minimums on wages and other benefits contained in the Interprofessional Collective Convention and the Commercial Sector Collective Convention, which are established with government participation. If no agreement is reached, employees may exercise their right to strike. Either labor or management may refer an impasse in negotiations to labor tribunals. Appeals may be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties. Collective bargaining is extensive in the modern wage sector, but it encompasses only a small percentage of workers.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handles complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believe that this system functions adequately.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were occasional reports of trafficking in women for forced prostitution or domestic service (see Section 6.f.).

The Government prohibits forced and bonded labor by children; however, there were occasional reports of trafficking in children for forced prostitution or domestic service (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code sets the minimum age for employment at 14 years, the average age for completion of basic primary school. However, the Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacks the means to enforce this provision adequately, even in the small wage sector. Children commonly work with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually begin work at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There are no reports of children under the age of 14 employed in either state or large private companies. The Government prohibits forced or bonded child labor; however, there were reports of trafficking in children (see Sections 6.c. and 6.f.).

In December the National Assembly unanimously ratified ILO Convention 182 on the worst forms of child labor, but at year's end, the President had not yet signed the bill into law. The Ministry of Labor is expected to be responsible for its enforcement.

*e. Acceptable Conditions of Work.*—The Labor Code mandates a minimum monthly wage, a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60 hour workweek for household workers, and establishes safety and health provisions. The minimum monthly wage in the formal sector, about \$41 (28,911 CFA), does not apply to subsistence agriculture, which employs about 85 percent of the population. The Government last set a minimum wage in 1996. It is not adequate for an urban worker to support a family. Wage earners usually supplement their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals is responsible for overseeing health and safety standards in the small industrial and commercial sectors, but these standards do not apply in the subsistence agricultural sector. However, the Government's Labor Inspector Corps does not have sufficient resources to fulfill its duties adequately. Every company is required to have a work safety committee. If a workplace has been declared unsafe by the Government's Labor Inspection Office for any reason, workers have the right to remove themselves from dangerous work without jeopardy to continued employment. In practice there are indications that this right is respected, but such declarations are relatively rare.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were occasional reports of trafficking in women and children for the purposes of forced prostitution or domestic service. The country is an occasional source country for women who travel to Europe, believing they are going to work as domestics, but who, upon their arrival, are forced to work as prostitutes.

The country is a source and transit point for trafficking, most frequently of children destined for agricultural labor, usually in Cote d'Ivoire. In many instances, children voluntarily travel to Cote d'Ivoire to work as agricultural laborers to escape poverty at home; however, in other cases, children are lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be forced to work under very harsh conditions for little or no payment. Some children are forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

The Government only has limited resources to combat trafficking in women or children. During the year, a number of children destined for plantations in Cote d'Ivoire were intercepted by the authorities, and the traffickers were arrested; however, none were prosecuted during the year. The Government provided initial shelter to the children and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

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## BURUNDI

Burundi is ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. Buyoya holds power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Political parties operate under significant restraints. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In June 1998, the Government and opposition parties began peace negotiations in Arusha, Tanzania. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The agreement proposes extensive reforms of the security forces, the judiciary, and the country's political institutions. Several of the parties signed with reservations parts of the agreement, including the key issues of leadership of the transitional government, integration of the army, and the electoral system. Negotiations were ongoing at year's end. The two major armed rebel groups declined to join the peace process. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. Members of the security forces continued to commit numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population dependent on subsistence agriculture. Many internally displaced citizens have been unable to grow food and depend largely on international humanitarian assistance. Per capita income fell from \$200 in the early 1980's to \$121 in 1999, according to the Ministry of Development and Reconstruction. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The Government has announced plans to privatize publicly owned enterprises, but made little progress during the year.

The Government's human rights record was poor. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Despite Buyoya's stated commitment to end abuses by the military, numerous abuses were committed and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances, and the security forces continued to torture and otherwise abuse persons. Soldiers raped women. Despite some improvements, prison conditions remained life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system suffers from a lengthy case backlog; however, the Government took steps to diminish the backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, inefficiency, a lack of resources, systemic corruption, administrative disruption due to the war, and the partiality of Tutsi officials. Authorities infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It restricted freedom of assembly and did not permit political demonstrations by government opponents. The Government restricted freedom of association and freedom of movement. Since 1993 the civil war has caused thousands of civilian deaths and mass internal population displacement. During the first half of the year, the army continued its forced regroupment policy, requiring an estimated 330,000 persons (mostly Hutus) to live in forced regroupment camps to prevent rebel attacks on the nearby capital, Bujumbura; however, by August the Government had closed all regroupment camps. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued. The Government was unable to protect the rights of children, and child prostitution is a problem. Discrimination against the disabled also is a problem. The indigenous Twa (Pygmy) people remain marginalized economically, socially, and politically. Incidents of ethnically motivated property destruction and killing occurred throughout the country. State discrimination against Hutus was widespread. Soldiers required persons who were regrouped forcibly, including children, who were mostly Hutus, to perform forced labor. Child labor was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, and forced labor.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces committed numerous extrajudicial killings. On February 15, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife (see Section 1.c.). The officer was arrested later that day, but released on March 15. The U.N. protested his release.

On April 1, a soldier killed a local Bujumbura government official and four members of the official's family, allegedly in retaliation for four soldiers killed by rebels. The soldier was arrested for the murders and he remained in detention pending trial at year's end.

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.c., 1.f., and 2.d.). The Government began an investigation into this incident, but did not complete it by year's end.

On June 24-25, soldiers killed 69 persons in Taba commune, Gitega province, on the suspicion that the residents were cooperating with rebels.

On July 22-23, soldiers killed 53 persons in Butaganzwa commune, Ruyigi province. Observers believe that the killings were in response to intense pressure from the Government to combat rebels and their supporters in the province.

On August 19, in Nyambuye zone, Bujumbura Rural province, soldiers killed 35 civilians who had sought refuge in Bujumbura on August 17 after 2 days of confrontations between the army and rebels. Apparently the civilians were trying to go home when they encountered the rebels on August 19. Soldiers shot the civilians as they fled, ostensibly having mistaken them for rebels.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 2.c.). On October 19, two soldiers, including Napoleon Manirakiza, who was convicted of killing Bargiggia, were executed for murder without having had legal representation during their trial or a chance to appeal their convictions (see Section 1.e.). The other soldier, Rene Rukemanganisi, was convicted of killing Caritas Nahimana, the director of the Gitega medical school, and her two sons. These were the first executions since July 1999.

Fighting between security forces and rebels resulted in a number of deaths. On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 2.d.). It is unclear whether they were killed during fighting between security forces and rebels or as a result of security forces firing into the camp. On September 15, at least 11 persons reportedly were killed in Bujumbura's northern neighborhoods of Kamenge, Ngagara, and Gikizi, during fighting between security forces and rebels. It is unknown who initiated the fighting, although some reports place the blame on rebels. On November 16, there were reports that several civilians were killed during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage from near the battleground (see Sections 1.c. and 6.c.).

Unlike in the previous year, there were no reports that soldiers shot and killed some persons who tried to leave regroupment sites to which Hutus were relocated forcibly starting in September 1999 (see Sections 1.f. and 2.d.).

Deaths in prisons continued due to disease and malnutrition (see Section 1.c.); however, the number of such deaths decreased during the year.

Comprehensive and accurate information about landmines was hard to obtain; however, the armed forces apparently used landmines to prevent rebels from accessing government territory. There were reports that the security forces mined the border with Tanzania in order to prevent rebels from crossing the border. An international organization received reports of 9 antipersonnel landmine incidents in the first 7 months of the year, a decrease from the 47 incidents reported during the previous 12 months. The decline in reported incidents may be due in part to self-imposed limitations on the movement of U.N. personnel during the year. Other sources reported that in mid-April a landmine that exploded on a footpath on the northeastern edge of the capital killed two women and three children.

There were no developments in the October 1999 case of the soldier who killed six persons at the Ruyaga regroupment site. The Government did not conclude its investigation into reports that government soldiers killed 50 persons in August 1999, in Kanyosha on the outskirts of Bujumbura, or its investigation into reports that in December 1999 soldiers shot and killed an unarmed FRODEBU Hutu parliamentarian. By year's end, the Government had not released the findings of an investigation into a January 1999 case in which soldiers killed more than 55 civilians in Mubone, Kabezi commune, Bujumbura Rural province, nor was any action taken against those responsible. There was no investigation nor action taken in a May 1999 case in which soldiers killed 11 Hutu civilians, including women and children, most of whom lived in the household of a man suspected of participating in the 1993 killing of Tutsis. There was no investigation nor action taken in a July 1999 case in which soldiers killed 30 civilians in Kanyosha commune, Bujumbura Rural province.

In September the U.N. formally protested the release of a lieutenant accused in the November 1998 killing of up to 200 persons in Mutambu commune, Bujumbura Rural province.

In May 1999, the media reported a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced 5 members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back to the court for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges originally were brought against many past and present senior army mem-



bers. The new Attorney General, who is a Hutu, announced in June 1999 that the case would be reopened; new trials are scheduled for January 2001.

There was no investigation nor action taken in a January 1999 case in which 178 civilians were killed either by rebels or because they were caught in a crossfire between rebels and the army.

Media and NGO reports indicate that about 200,000 persons, mostly civilians, have been killed in ethnic violence between October 1993 and the end of the year; however, the source of this figure is unclear. No credible countrywide casualty figures were available. The Government and security forces frequently have prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. Much of the extrajudicial killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi.

There were urban bombings during the year. For example, on August 23, at least two persons were killed and several others were injured when a hand grenade exploded in the Buyenzi market, a suburb of Bujumbura. No suspect had been identified by year's end; however, in August the twin brother of a labor organizer was arrested for involvement in the attack (see Sections 1.d. and 6.a.).

In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 2.c.). No suspect had been identified by year's end.

Rebels killed persons near regroupment camps, sometimes during battles with government troops. Hutu rebels also killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels; the Government stated that rebels were responsible for the majority of civilian casualties. Rebels reportedly often kill persons for suspected collaboration with the regime and for their refusal to pay "taxes" to rebels. There were numerous reports throughout the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported 146 ambushes in the first 7 months of the year; however, this figure probably does not represent all incidents.

On March 5, rebels killed six persons in an ambush in the southern province of Makamba, on National Highway 3 between Mabanda and Nyanza Lac communes. On March 25, rebels killed seven Tutsi women and children in Bukeye commune, Muramvya province. Over the weekend of April 22 to 23, rebels reportedly killed 3 persons in Bubanza province, 7 persons on National Route 1 in Bujumbura Rural province, and 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 2.d.).

On December 24 and 25, there were reports that hundreds of suspected rebels attacked the town of Bukemba, Rutana province, killed 15 civilians, and injured 6 persons.

On December 28, rebels shot and killed 20 persons and injured 20 others on a road north of Bujumbura when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura. By year's end, no one had claimed responsibility for the attack, nor had any perpetrator been identified.

There were unconfirmed reports that rebels took landmines planted by government forces and later used them against the army.

Government authorities blamed rebels for the October 1999 killings of two U.N. foreign staff members and seven others in Rutana province, and stated that the rebels had fled to Tanzania after the attack. No arrests were made in the case. Rebels accused the armed forces of committing the killings.

*b. Disappearance.*—Human rights groups reported that abductions and disappearances occurred during the year, but no credible overall figures were available. There were no developments in the disappearance of three men in September 1999. Rebels were responsible for many of the disappearances, although credible reports suggest that such abductions were infrequent; rebels kidnapped and raped women (see Section 1.c.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Transitional Constitution Act prohibits these abuses; however, members of the security forces continued to torture and otherwise abuse persons. On February 15, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife (see Section 1.a.). The officer was arrested later that day, but released on March 15. The U.N. protested his release. On February 26, police officers reportedly beat several persons while forcibly dispersing a demonstration against the peace talks; a number of persons were arrested (see Sections 1.d. and 2.d.). In early May, members of the security forces tortured and decapitated a man who threw stones at them because they were looting houses in the forced regroupment camp Kavumu,

in Bujumbura Rural province (see Sections 1.f. and 2.d.). On November 16, there were reports that several civilians were injured during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage near the battleground (see Sections 1.a. and 6.c.). According to press reports, in December six university students were injured when security forces used tear gas to forcibly disperse a group of students demonstrating against exam schedules (see Sections 2.a. and 2.b.). Government soldiers raped women in regroupment camps (see Sections 1.f. and 2.d.). There were no known prosecutions of members of the security forces for these abuses.

Government troops used excessive force in areas where there were civilians and often fired on Hutu civilians, stating that it was difficult to distinguish them from rebels.

Landmine explosions resulted in some casualties (see Section 1.a.). For example, the domestic human rights organization, Iteka, reported that four persons from a forced regroupment camp in Bujumbura Rural province surrounding the capital were injured in a landmine explosion while working in their fields during the year (see Section 2.d.). It is unknown if the landmine was laid by government forces or by rebels.

There also were reports that soldiers used children for forced labor (see Sections 5, 6.c., and 6.d.).

At the end of the year, signs emerged of renewed government support for policing of the capital and countryside by armed civilians, which raised fears of the return of the militias created in 1995 to destabilize the then Hutu-led government. There have been unconfirmed reports that the Government armed civilians in Ruyigi, Rutana, and Bururi provinces.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.a., 1.b., and 5). Rebels used civilians, including children, for forced labor (see Sections 5, 6.c., and 6.d.). On December 24 and 25, hundreds of rebels attacked the town of Bukemba, Rutana province, injured 6 persons and killed approximately 15 others (see Section 1.a.). On December 28, rebels injured 20 persons, and killed 20 persons, when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura (see Section 1.a.).

Prison conditions remained life threatening. Conditions in state-run prisons improved, largely due to efforts by the International Committee of the Red Cross (ICRC) to improve sanitation, hygiene, medical care, food, and water. However, severe overcrowding continued, prisoners still relied on family members to provide an adequate diet, and according to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition. Approximately 10,000 inmates were housed in facilities built to accommodate a maximum of 3,650 persons, according to Iteka. With the return of the ICRC, the death rate in the prisons containing 80 percent of all inmates dropped from 2.3 deaths per 10,000 per day to 0.4 deaths per 10,000.

International and local human rights monitors were permitted to visit prisons and speak with inmates (see Section 4).

*d. Arbitrary Arrest, Detention, or Exile.*—On January 1, a new criminal code that prohibits arbitrary arrest, detention, and exile took effect; however, the code was not respected and security forces arbitrarily arrested and detained persons. Limits on the length of pretrial detention were not respected. The law requires arrest warrants, and presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. The law requires that suspects appear in court within 7 days. A magistrate can order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police are required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Bail was permitted in some cases. Human rights organizations reported that incommunicado detention exists, although law prohibits it.

There were numerous instances of arbitrary arrest. In March police arrested 20 teenage girls at a club for prostitution (see Sections 5 and 6.d.). In May security forces arrested seven residents of the Kavumu regroupment camp in Bujumbura Rural province while conducting a search of residences (see Sections 1.f. and 2.d.); one of the seven later was found decapitated (see Section 1.a.). In August police arrested the twin brother of a labor organizer who called for a general strike and accused the twin brother of involvement in a grenade attack on the Buyenzi market (see Sections 1.c. and 6.a.)

There were numerous instances of the arbitrary arrest of persons demonstrating against the peace process (see Section 2.b.). On February 7, authorities in Bujumbura arrested and detained for 1 week at least eight persons who were demonstrating against the Arusha peace talks (see Section 2.b.). On February 26, police arrested and detained for 1 week 11 participants during another demonstration against the peace talks (see Section 2.b.). On March 25 security forces dispersed, arrested, and detained briefly several persons demonstrating against the peace process (see Section 2.b.). On April 19, authorities reportedly arrested and fined 15 persons also protesting the peace process. On August 18, authorities arrested and detained several protesters during a rally against the peace process, including the president of a labor union (see Sections 2.b. and 6.a.). On August 20, police arrested Diomede Rutamucero, president of a self-described mainly Tutsi self-defense group PA-Amasekanya, for holding a non-violent demonstration against aspects of the peace process on August 19 (see Section 2.b.). Rutamucero was detained for longer than a week before he appeared before a judge and was fined.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process.

The ICRC estimates that the prison population is approximately 8,700 persons and that 70 percent of those are pretrial detainees. According to the local human rights organization, Iteka, an estimated 3,255 pretrial detainees constituted 54 percent of the total prison population at year's end, down from 78 percent the previous year. The decline was due to government efforts to release prisoners while pending trial, to the release of prisoners charged with minor crimes, or those released because there was not enough evidence to support an indictment. By year's end, the Government had released approximately 1,000 prisoners without files.

The Government does not use forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities maintain members of their families outside the country. A number of officials of the Government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, have not yet returned.

*e. Denial of Fair Public Trial.*—The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent of the executive and is dominated by ethnic Tutsis. Reform of the judicial system is a priority of the peace accord, which has not yet been implemented. An international human rights organization estimated that ethnic Hutus account for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges are Hutu, although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education, and in part to the conflict in which a number of Hutu judges and lawyers were killed or fled the country. Most citizens assume that the courts promote the interests of the dominant Tutsi minority; members of the Hutu majority believe that the judicial system is biased against them.

The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The armed forces have a separate judicial system, and there is a labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for defendants accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pretrial custody.

On January 1, a new criminal code took effect that provides for suspects' rights to a lawyer before official charges are filed and during pretrial investigations; however, not all aspects of the new code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest. Authorities sometimes are unable to carry out their investigations or transport suspects and witnesses to the appropriate court due to resource constraints and poor security conditions.

On October 19, two soldiers, including one convicted of killing Antonio Bargiggia, were executed for murder without having had legal representation during their trial or the chance to appeal their convictions (see Section 1.a.). These were the first executions since July 1999. According to the law, the prisoners had a right to appeal

to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this process did not occur.

The Government holds political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for nonpolitical crimes sometimes are politically motivated. The peace agreement, which has not been implemented, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners.

According to the ICRC, an agreement is in place between the ICRC and the Ministries of Justice and Defense regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." The Ministries cooperate with the ICRC; however, the ICRC did not have a formal agreement with the Ministry of the Interior at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Transitional Constitutional Act provides for the right to privacy; however, the authorities do not respect the law requiring search warrants. Security forces widely are believed to monitor telephones regularly.

In 1999 the Government forcibly relocated approximately 330,000 mainly Hutu inhabitants of Bujumbura Rural province in regroupment camps where security forces could more readily monitor and control their movements (see Section 2.d.). The sites were opened in September 1999, and had inadequate sanitation and insufficient access to water, food, shelter, and medicine. The Government's stated rationale for these forced relocations was to protect the regrouped population from rebel attacks. In May security forces conducted a search of residences at the Kavumu regroupment camp in Bujumbura Rural. Residents protested that soldiers stole their belongings and some of the residents threw rocks at the soldiers. Seven residents were arrested (see Section 1.d.); one of the seven later was found decapitated (see Section 1.a.). A National Assembly committee on human rights launched an investigation in May; however, no findings were made public by year's end. All of the regroupment sites were closed by August. Many of the residents of the regroupment camps returned home to find their fields ravaged, their homes looted or destroyed, and their livestock gone. Observers believe that members of both the military and the rebels were responsible for the damage.

International humanitarian aid agencies could not reach some of the Government's forced regroupment camps in remote sections of Bujumbura Rural province due to lack of infrastructure or because they were prevented from doing so by security forces (see Sections 2.d. and 4). These camps, composed of mainly Hutu residents, reportedly had insufficient water, food, sanitation, medicine, and shelter.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricts freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication, and the Government controls the media and harasses and detains journalists.

The regime controlled much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* was published 3 times a week. Other newspapers, including at least one opposition newspaper, appeared irregularly. Political tracts circulated, and two private faxed newsheets were published almost daily. These represented mainly Tutsi political viewpoints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, *La Lumière*, in July (see Section 3). Journalists practice self-censorship.

The Government and its security forces harass journalists, questioning or detaining them or having their property searched and seized. In September the editor and a journalist of a private faxed newsheet were detained for 1 week and interrogated about their sources in a criminal investigation against the twin brother of a labor leader (see Sections 1.d. and 6.b.).

The government-owned radio broadcasts in the Kirundi language, French, and Swahili, and offers limited English programming. The private radio station, *Umwizero*, is financed by international donors and broadcasts in French and Kirundi. Listeners also can receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. On March 21, the National Communications Council and the BBC signed an agreement allowing the BBC to begin broadcasting from within the country; the BBC began broadcasting later in the spring.

No laws or regulations limit academic freedom, and no persons at the University of Burundi were persecuted for what they published or said. However, the population at the state university remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. According to press reports, in December security forces forcibly dispersed university students demonstrating against exam schedules, which resulted in several injuries (see Sections 1.c. and 2.b.). In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 6.a.).

*b. Freedom of Peaceful Assembly and Association.*—The Government restricts freedom of assembly. It banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 3). On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall.

The Transitional Constitutional Act permits political demonstrations, but in practice the Government has allowed none. During the year, police arrested protesters taking part in a series of non-violent protests against the peace process. On February 7, authorities in Bujumbura arrested at least eight persons who were demonstrating against the Arusha peace talks (see Section 1.d.). On February 26, police forcibly dispersed 1,000 unauthorized persons demonstrating against the peace talks; 11 persons were arrested (see Section 1.d.). There were reports that police beat some of the protesters (see Section 1.c.). On February 27, police and gendarmes prohibited members of organized clubs from going on weekly runs or runs with members of clubs in which political ideas are discussed. On March 25 and April 19, security forces dispersed and arrested several persons demonstrating against the peace process (see Section 1.d.). On August 18 and 19, protesters demonstrated against the peace process. On August 18, protesters attempted to implement a “ville morte” or dead city strike by shutting down road traffic on one of the national routes; university students then threw rocks and tree limbs onto the street near the university campus; however, security forces intervened and reopened the road. On August 19, police dispersed approximately 100 persons marching in Bujumbura to protest the peace talks and on August 20, arrested Diomede Rutamucero, president of PAAmasekanya, which organized the march (see Section 1.d.). Authorities arrested and detained several protesters during the August 18 rally (see Section 1.d.), including PierreClaver Hajayandi, President of the Confederation of Burundi Unions (COSYBU), which organized the rally (see Section 6.a.). According to press reports, in December security forces used tear gas to forcibly disperse university students demonstrating against exam schedules, which resulted in injuries (see Sections 1.c. and 2.a.).

The Government restricts freedom of association and has arrested members of organizations and political parties. The Transitional Constitutional Act permits political parties to operate; however, the regime places restrictions on groups critical of its policies.

*c. Freedom of Religion.*—The Transitional Constitutional Act provides for freedom of religion, and the Government generally respects this right in practice.

The Government requires religious groups to register with the Ministry of Internal Affairs, which keeps track of their leadership and activities. The Government requires that religious groups have a headquarters in the country. Once registered, religious organizations enjoy taxfree status, and clergy theoretically do not have to pay duty on purchased goods. However, one religious group reported that it was required to pay duty on all imported goods, except books and other publications.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 1.a.). In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 1.a.).

*d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation.*—The Transitional Constitutional Act provides for these rights; however, the Government restricts these rights in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew begins at 11 p.m. and ends at 5 a.m. During the first half of the year, the Government continued its forced regroupment policy that required approximately 330,000 Hutus from Bujumbura Rural province to live in government-controlled camps (see Sections 1.a. and 1.f.). Residents of parts of Bujumbura Rural more heavily populated by Tutsis were not subject to relocation. The relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation, and health care. Some regroupment camps were difficult to access (see Sections 1.f. and 4). Authorities stated that they were relocating the population to protect it from rebels, but the displacements also were used to separate rebels from the relocated population and to impede civilian assistance to rebels. Inhabitants of these sites raised some of their own food

with the permission of the armed forces; however, residents were not given full access to their fields. Unlike in the previous year, there were no reports that persons who tried to leave the sites were shot by soldiers.

On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 1.a.).

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.a. and 1.f.).

According to the U.N., there were 324,100 internally displaced persons (IDP's) living in 212 sites at year's end, which represents about 5 percent of the total population. Many were Tutsis who fled to other parts of the country starting in 1993 because of ethnic violence and never returned home. Soldiers did not restrict the movement of residents of IDP camps. Soldiers guarding these camps provide a measure of protection to camp inhabitants; however, they sometimes committed human rights abuses against them (see Sections 1.c. and 6.c.). Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Persons who remain outside the sites reportedly were killed by Hutu rebels for allegedly collaborating with authorities and by the armed forces on suspicion of collaborating with the rebels (see Section 1.a.). Over the weekend of April 22 to 23, rebels reportedly killed 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 1.a.).

Unlike in the previous year, there were no reports that the authorities restricted foreign travel for political reasons. The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba provinces.

Real and claimed insecurity in rural areas was cited by the Government in denying access to some areas of the country to human rights observers (see Section 4).

The law does not provide for the granting of refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there is a special ad hoc administrative body in the Government that coordinates refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government has granted first asylum in recent years. Approximately 23,600 citizens of the DRC live in Burundi, many of whom claim asylum. Of these, about 1,400 are ethnic Tutsi known as Banyamulenge. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and are integrated into Burundian society.

The UNHCR reported that as of the end of September, about 10,000 Burundian refugees had returned during the year from Rwanda, Tanzania, the DRC, and other countries. During the same period, an estimated 47,528 persons fled to Tanzania, according to the UNHCR. Approximately 563,700 refugees, most of them Hutu, remained in Tanzania. About 200,00 of these persons fled as early as 1972, and many fled following the assassination of former president Ndadaye in October 1993. Another 23,408 refugees, most of them Hutu, are in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

There were unconfirmed reports that the Government had hired mercenaries to invade refugee camps in Tanzania; however, the Government strongly denied these reports.

There were no reports of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power on July 25, 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. About 3 weeks later, Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which is mostly ethnic Hutu, holds just over half of the National Assembly seats.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. On June 4, 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The Na-

tional Assembly adopted the Transitional Constitutional Act and a Transitional Political Platform. The act changed the structure of government by eliminating the post of prime minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The August 28 peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and a proposed Senate, is a key component of the agreement.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for such a tribunal as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement had not been implemented and no tribunal had been created by year's end.

On June 12, 1998, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are members of FRODEBU. The Cabinet includes 12 Hutus, including the Minister of External Relations. Progovernment ethnic Tutsi members hold the key Ministries of Defense, Interior, Justice, and Finance.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members—28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

Political parties operate under significant constraints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, *La Lumiere*, in July (see Section 2.a.). The Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process. On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall (see Section 2.b.).

Police often disrupted political demonstrations and beat and arrested demonstrators (see Sections 1.c., 1.d., and 2.b.).

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

No legal restrictions hinder the participation of women; however, women are underrepresented in government and politics. Of the 22 cabinet seats, 1 is filled by a woman, who serves as the Minister of Women, Welfare, and Social Affairs. In 1993 women were elected to 9 of 81 seats in the National Assembly. The expansion of the National Assembly and the filling of vacant seats have brought the total number of female parliamentarians to 17. Two of the nine members of the Supreme Court are women, as are three of the seven Constitutional Court members, including its president.

No legal restrictions hinder the participation of indigenous people; however, the ethnic Twa (Pygmies) are underrepresented in government and politics. About 1 percent of the population is Twa, but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly (see Section 5). Under the peace accord, up to three Twa could be appointed to sit in the Senate.

#### *Section 4. Governmental Attitude regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. Amnesty International representatives visited the country several times during the

year, and the U.N. Special Rapporteur for Human Rights visited once during the year. The office of the UNHCR maintained a three-person observer team, down from nine observers in 1999. The observer reductions resulted from security restrictions following an October 1999 attack on a U.N. humanitarian mission.

Real and claimed insecurity in rural areas was cited by the Government in denying access to journalists, international relief workers, and human rights observers to some areas of the country, including to regroupment camps (see Sections 1.f. and 2.d.). Army elements in the field frequently denied access to human rights observers where the army was accused of human rights violations. Human rights NGO's frequently were unable to investigate reports of killings due to these restrictions. In the spring, the U.N. resumed normal field operations in much of the country following the deaths of two workers in 1999 (see Section 1.a.); however, many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remain off limits for normal operations.

On May 21 and 22, rebels attacked the city of Makamba; no injuries were reported. There were reports that the target of the attack was Doctors Without Borders, an international NGO.

On November 25, on the road between Bujumbura and Gitega, a group of men, some allegedly dressed in military uniform, robbed at gunpoint a truck belonging to World Vision, an international NGO.

*Section 5. Discrimination Based on Sex, Religion, Disability, Language, or Social Status*

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions and discrimination persists. Hutus continued to perceive, correctly, that the Tutsi-dominated Government and army discriminate against them. The question of exclusion was a central question during the peace talks.

*Women.*—Violence against women occurred, but its extent is undocumented. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. No known court cases dealt with the abuse of women.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws and credit practices continued. By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform hard farm work, marry and have children at an early age, and have fewer opportunities for education than men.

Rebels kidnaped and raped women, although credible reports suggest that such incidents were infrequent (see Sections 1.b. and 1.c.).

*Children.*—The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of orphans resulting from the violence since 1993 and HIV/AIDS. Many of the victims in the civil war are children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provides elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favors those children in southern and central areas of the country, according to International Alert, an international NGO. The Government estimates that approximately 45 percent of children are enrolled in primary school and approximately 44 percent of children are enrolled in secondary school.

Teenage prostitution is a problem (see Section 6.d.). During the year, the Government began a campaign to curb underage prostitution in Bujumbura. In March police arrested, detained for several days, and fined 20 teenage girls at a club for prostitution.

There were reports that soldiers used children for forced labor (see Section 6.c.).

*People with Disabilities.*—The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against the disabled is a problem. There are few job opportunities for the physically disabled in the country, where most jobs involve significant manual labor.

*Indigenous People.*—The Twa (Pygmies), who are believed to be the country's earliest inhabitants, now make up about 1 percent of the population, and generally re-



main marginalized economically, socially, and politically. Most Twa live in isolation, without formal education, and without access to government services, including health care.

*National/Racial/Ethnic Minorities.*—The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis, and regional inequities between southern Bururi province and much of the rest of the country. Almost 4 decades of violence and systematic discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claim to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions. The Tutsi-dominated Government and army discriminate against Hutus. Northern and eastern Tutsis also have a more difficult time acceding to positions of power. State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retain their dominance in decision-making and do not share power equally with Hutu members of the Government.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Labor Code protects the rights of workers to form unions; however, the army, gendarmerie, and foreigners working in the public sector are prohibited from union participation. Most union workers are urban civil servants.

According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector, except those prohibited by law, are unionized.

Since gaining independence from the Government in 1992, the CSB has been dependent financially on a system of checkoffs, or voluntary contributions, as are local unions. In 1995 a rival trade union, the Confederation of Burundi Unions (COSYBU), was founded. Both COSYBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Tutsis dominate the formal sector of the economy and the unions.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations.

The Labor Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The law prohibits retribution against workers participating in a legal strike; however, this provision was not respected.

In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 2.a.). In January civil servants held several strikes to protest price and tax hikes; however, the strikes were not observed widely due to government intimidation. All striking employees returned to work on January 19. The Government initially had agreed to negotiate with COSYBU, but later refused. The vice president of the union was arrested twice, but released.

On August 18, authorities arrested and detained several protesters during a rally against the peace process (see Sections 1.d. and 2.b.), including Pierre-Claver Hajayandi, President of the COSYBU, which organized the rally. In September police arrested a labor organizer who called for a general strike against government policies. The organizer's twin brother, whom they accused of involvement in a grenade attack on a popular market (see Section 1.c.), also was arrested (see Section 1.d.).

Unions are able to affiliate with international organizations.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code recognizes the right to collective bargaining, formerly acknowledged only by ordinance. Since most workers are civil servants, government entities are involved in almost every phase of labor negotiations.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining. In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no functioning export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits the performance of forced or compulsory labor; however, soldiers guarding internally displaced persons sites and soldiers at military posts often require persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation (see Section 2.d.). The military also require persons to perform regular night watches.

The law prohibits forced or compulsory labor by children; however, there were reports that soldiers forced children to perform occasional tasks, such as carrying supplies.

On November 16, there were reports that security forces forced approximately 100 men from the northern neighborhoods of Bujumbura to remove foliage near Tenga, a densely wooded area where security forces were fighting with rebels. Several civilians were killed or injured during the fighting (see Sections 1.a. and 1.c.).

Rebel groups also require the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruit and use children for labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code states that children under the age of 16 cannot be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas do heavy manual labor in the daytime during the school year.

The minimum age for military service is 18, but observers believe that there are some children below that age in the military.

Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector.

Teenage prostitution is a problem (see Section 5).

The law prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The formal minimum wage for unskilled workers is \$0.21 (160 francs) per day in the cities Bujumbura and Gitega and \$0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount does not allow a worker and family to maintain a decent standard of living, and most families rely on second incomes and subsistence agriculture to supplement their earnings.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSYBU. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime. Foreign workers are protected by law and are not subject to discrimination.

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not address directly workers' rights to remove themselves from dangerous tasks.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## CAMEROON

Cameroon is a republic dominated by a strong presidency. Since independence a single party, now called the Cameroon People's Democratic Movement (CPDM), has remained in power and limited political choice. In October 1997, CPDM leader Paul Biya won reelection as President in an election boycotted by the three main opposition parties, marred by a wide range of procedural flaws, and generally considered by observers not to be free and fair. Although the Government legalized opposition parties in 1990 after widespread protests, most subsequent elections, including the May 1997 legislative elections, which were dominated by the CPDM, were flawed by numerous irregularities. International and local observers generally consider the election process, which is controlled by the Government's Ministry of Territorial Administration, as not free and fair. No President has ever left office in consequence of an election. The President retains the power to control legislation or to rule by decree. In the National Assembly, government bills take precedence over other bills, and no bills other than government bills have been enacted since 1991, although the Assembly sometimes has not enacted legislation proposed by the Government. The President repeatedly has used his control of the legislature to change the Constitution. The 1996 Constitution lengthened the President's term of office to 7 years, while continuing to allow Biya to run for a fourth consecutive term in 1997 and making him eligible to run for one more 7-year term in 2004. In July the Government began discussions on an action plan to create the decentralized institutions envisioned in the 1996 constitution, such as a partially elected senate, elected regional councils, and a more independent judiciary. Government timetables for establishing these bodies extend until 2004. Although the country's first local government elections were held in 1996, President Biya limited their scope in many pro-opposition cities by expanding the number of municipal governments led by presidentially appointed delegates rather than headed by mayors chosen by the directly-elected municipal councils. The Government remained highly centralized and is dominated by the presidency. The judiciary is subject to political influence and suffers from corruption and inefficiency.

Internal security responsibilities are shared by the national police (DGSN), the National Intelligence Service (DGRE), the gendarmerie, the Ministry of Territorial Administration, military intelligence, the army, and to a lesser extent, the Presidential Guard. On February 20, the Government created a military Operational Command to fight crime in Douala and the Littoral Province. The police and the gendarmerie have dominant roles in enforcing internal security laws. The security forces, including the military forces, remain under the effective control of the President, the civilian Minister of Defense, and the civilian head of police. The security forces continued to commit numerous serious human rights abuses.

The country's population of approximately 15 million had a recorded mean per capita Gross National Product (GNP) of approximately \$607. Economic growth has continued over the past 4 years, despite decreases in world prices for the country's major primary product exports. Over the past 3 years, GNP growth has averaged 4 to 5 percent annually; however, economic recovery continues to be inhibited by a large inefficient parastatal sector, excessive public sector employment, and the Government's inability to deregulate the economy to attract more investment. Widespread corruption in government and business also impedes growth. Members of the Beti and Bulu ethnic groups dominate the civil service and the management of state-owned businesses. The majority of the population is rural, and agriculture accounts for 25 percent of GNP. Principal exports include timber, coffee, cocoa, cotton, bananas, and rubber. The Government also continued to receive substantial assistance from international financial institutions.

The Government's human rights record continued to be generally poor, and government officials continued to commit numerous serious abuses. Citizens' ability to change their government remained limited. Security forces committed numerous extrajudicial killings; were responsible for disappearances, some of which may have been motivated politically; and tortured, often beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few of the most egregious offenders, including some who were convicted and sentenced to prison terms and others who remain in prison awaiting trial. Conditions remained harsh and life threatening in almost all prisons, although the Government granted international humanitarian organizations access to prisoners. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods, often without charges or a chance for trial and, at times, incommunicado. The judiciary remained corrupt, inefficient, and subject to political influence. At times military

tribunals exercise criminal jurisdiction over civilians, which in the past denied some civilians fair trials. Security forces conducted illegal searches and harassed citizens. The Government infringed on citizens' privacy and monitored and harassed some opposition activists. The Government continued to impose limits on press freedom. Although private newspapers enjoyed considerable latitude to publish their views, journalists continued to be subject to official and, on occasion, serious harassment. There were no reports that the Government seized newspaper editions; however, the Government continued its prosecutions of pro-opposition journalists under criminal libel laws. The Government continued to obtain convictions against journalists under these laws. In July the Government implemented a 1990 law designed to end its virtual monopoly of domestic broadcast media. Five radio stations subsequently applied for licenses to operate and continued to broadcast pending final authorization. The Government restricted freedom of assembly and association. At times the Government used its security forces to inhibit political parties from holding public meetings. Government security forces limited freedom of movement. Violence and discrimination against women remained serious problems. The abuse of children was a problem and female genital mutilation (FGM) persisted in some areas. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion persisted in some areas. Discrimination against ethnic minorities remained widespread. The Government continued to infringe on workers' rights, and restricted the activities of independent labor organizations. Child labor remained a serious problem. Slavery reportedly persisted in northern parts of the country. Forced labor, including forced child labor, was a problem. There were reports of trafficking in persons, primarily children, for purposes of forced labor. Mob violence continued to result in some deaths.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed reports of political killings; however, the security forces continued to use excessive, lethal force against private citizens and committed numerous extrajudicial killings.

In mid-January Atangana, a gendarme serving at the Douala port, shot and killed Alhadji Bapetel, a customs officer also serving at the port. The shooting followed a quarrel over authority issues. The Government arrested the gendarme, who was awaiting trial on charges of "assault occasioning death" at year's end.

On March 2, an unidentified Douala soldier, who reportedly was drunk, shot and killed Pascal Kalo, a young Nigerian businessman. The death occurred after the soldier shot wildly at a group of customers who left the bar without paying their bill, but instead hit Kalo, who was eating dinner in a nearby restaurant. Reportedly there was no investigation nor action taken in this case by year's end.

On April 6, police officers beat to death Emmanuel Ebanda, a porter at the Douala International Airport (see Section 1.c.). The police claim that Ebanda died because he beat his own head against the wall; however, a jailed witness contests these charges, claiming that he called repeatedly for medical assistance for Ebanda, but that the police ignored his pleas. The police investigated the case and on August 21, three police officers were arrested; they remained in detention pending trial at year's end.

On May 7, a police officer by the name of Bahiga shot and killed Laurent Abbe in Yaounde, allegedly during an illegal search of Abbe's friend's residence (see Section 1.f.). The Government arrested Bahiga, who was in detention pending trial at year's end.

On May 11 in Yaounde, a mixed patrol of police officers, gendarmes, and soldiers attempted to seize a vehicle illegally for non-emergency purposes. The driver loudly disputed the seizure, and attracted a crowd that began to laugh at the security forces. One of the officers, angered by the laughter, shot indiscriminately at the crowd, killing two women. Reportedly there was no investigation nor action taken in this case by year's end.

On May 29, police officers from the Yaounde special operation grouping (GSO) detained, tortured, and killed Edouard Leuwat, a Yaounde taxicab driver (see Section 1.c.). One GSO policeman, with assistance from other officers, had arrested Leuwat without warrant on May 28, believing Leuwat to be the driver of a taxicab in which the policeman had left his handgun on May 27. Leuwat denied the charge, and the policeman tortured Leuwat to extract a confession. The Government arrested eight police officers involved in the case and charged them with "torture having resulted in death." On June 20, the Government transferred the eight to the Yaounde-based Kondengui Central Prison, where they were awaiting trial at year's end.

On June 21, security officers shot two alleged bandits in Yaounde's Nlongkak Circle, killing one. A neighborhood resident walked up to the remaining, incapacitated bandit and slit his throat with a machete. Reportedly there was no investigation nor action taken in this case by year's end.

On September 14, Mathew Titiahonjo, who gendarmes at the NDOP brigade in the Northwest Province had arrested and detained on May 23, died in prison reportedly from torture (see Sections 1.c. and 1.d.).

On October 28, Operational Command Sergeant Jean Claude Mbita allegedly shot and killed Luc-Benoit Bassilekin, a technician, while attempting to arrest him; Bassilekin's brother was arrested. In November the Government announced that it had arrested Mbita on charges of intentional homicide; he remained in detention pending trial at year's end.

On October 30, Operational Command officers reportedly shot and killed Paul Petchueke, a taxicab driver, because Petchueke had attempted to make a U-turn in front of a command roadblock. On November 13, the Government announced that it had arrested Paul Essoh, a soldier at the Douala Airbase, on charges of unintentional homicide for Petchueke's killing; he remained in detention at Douala New Bell prison pending trial at year's end.

There were reports that the Douala Operational Command committed numerous summary executions, which totaled at least several dozens. There were reports that some persons were tortured before they were killed (see Section 1.c.). This special military unit, created to fight crime in Douala, operates above the authority of other security forces currently in the city. This command killed some suspects in shoot-outs and high-speed car chases during the year. It also reportedly used a network of informants, including a large number of convicted criminals and prison officials, to obtain the names of suspected bandits who they then arrested and summarily executed. The Operational Command also used neighborhood sweeps to search for criminals, occasionally executing suspects for minor offenses such as smoking marijuana. Press and other reports allege that the Operational Command has several mass graves, including in the "Forest of Monkeys" (Bois des Singes) and off the "Old Road" between Douala and Edea, where bodies were abandoned in pits or buried. Cardinal Tumi, the Archbishop of Douala, estimated the total number of extrajudicial killings committed by the Operational Command to be as high as 500.

Credible reports by the press and the Maroua-based Movement for the Defense of Human Rights and Liberties (MDHRL), one of the few operating human rights organizations in the Far North Province, describe a large but undetermined number of extrajudicial killings perpetrated by a special antigang gendarmerie unit tasked with combating highwaymen. This unit was created under the direct authority of the Minister of Defense and operates outside the normal chain of command for law-and-order units. While some armed suspects were killed in firefights with security forces, there were credible reports that others caught in dragnet operations were executed summarily. Families of the deceased and human rights NGO's have accused the head of this unit, Colonel Pom, of extrajudicial killings of local civilians. The MDHRL estimated that up to 1000 persons have been killed since the beginning of 1998. The Government's National Commission on Human Rights and Freedoms (NCHRF) corroborated this information, although it was unable to determine the exact number of persons killed, since many of the victims' families are too frightened to speak with human rights groups. At least one private newspaper, the Yaoundebased triweekly *Mutations*, also reported in 1998 that security forces summarily executed hundreds of alleged highway robbers in northern areas of the country during recent years.

Numerous prisoners died in custody due to abuse inflicted by members of the security forces or harsh prison conditions and inadequate medical treatment (see Section 1.c.).

In November 1999, the U.N. released a report by the Special Rapporteur on Torture, Nigel Rodley, regarding his visit to the country in May 1999. In this report, Rodley noted that torture and long-term detention is widespread. He also commented on deaths resulting from torture and extrajudicial killings, primarily in the Far North Province (see Sections 1.c. and 4), but he did not provide any specific examples of such deaths.

In November the Government announced plans to investigate alleged killings by the Douala Operational Command. In the fall, the National Human Rights Commission, under the Prime Minister, sent teams to Douala to investigate. Although two reports were produced for the President and the Prime Minister, there are no plans to release the reports publicly.

There were no known developments in the following 1999 cases: The January 1999 killing of Yves Atiback by a gendarme captain; the February 1999, killing of three Fulani shepherds by villagers acting on the orders of the Fon of Bali; the

March 1999 killing of Denis Nzidchen by prison guards; the September 1999 beating death of Theopole Mbasi Ombe by three members of the presidential guard; the October 1999 beating death of Frederic Djomeli by police in the Haut-Nkam division.

On April 12, the Yaounde higher court sentenced police officer Francois Bilongo to seven years in jail and \$10,000 in damages for the 1998 killing of Leonard Fouda. In May Police Constable Kuete Pierre was convicted and sentenced to 14 years in prison for the June 1998 police shooting of truck driver Jean-Marie Penga at a road-block in Douala.

There were no known developments in three open 1998 cases: The reported January 1998 police killing of Serge Francois Massoma; the June 1998 police killing of a 17-year-old male during racial violence against whites in Yaounde. Two gendarmes reportedly facing manslaughter charges in connection with the 1998 killing of an Anglophone barkeeper who died while in detention, reportedly as a result of torture, remained in detention at year's end.

There continued to be no developments in the 1997 security force killing of Faustin Fetsogo and the killing of five persons in 1997 during opposition politician Koulagne Nana's election campaign following a skirmish with the forces of a traditional ruler loyal to the ruling party.

While ethnic conflicts caused deaths in previous years (see Sections 1.c. and 5), there were no reports of such deaths during the year.

Mob violence and summary justice directed against suspected thieves and those suspected of practicing witchcraft and other crimes reportedly continued to result in a number of deaths and serious injuries. Although the number of reported cases of mob killings had diminished in past years, increased crime in the major cities of Douala and Yaounde caused a rise in such incidents during the year. On April 5, a thief was stripped naked, beaten unconscious, and burned alive by a mob. On March 9, a mob reportedly killed two suspected thieves by burning tires around their necks. On April 14, a crowd of citizens in Buea, Southwest Province, beat to death Jean-Paul Kamdem and Alfred Mbakwa Fowa, alleged members of a gang that stole electronic items from a businessman's home (see Section 1.c.).

*b. Disappearance.*—There were reports of disappearances of persons in the custody of security forces. Some disappearances may be attributed to summary executions by security forces in Douala or the northern regions (see Section 1.a.); in these instances, bodies rarely are found, although the suspects are presumed dead.

On May 9, plain clothes security officials in Mamfe, Manyu Division, Southwest Province, searched the homes of John Enow, Joseph Tafong, Chief Assam, Mathias Takunchung, and several others, without search warrants. The victims' families have neither seen nor heard from the victims since that time, and believe that the security forces summarily executed them. In a letter written on May 12 and sent to the National Human Rights Commission, the families claim that more than 30 people have disappeared in Mamfe under similar circumstances. According to the commission, four persons still were missing at year's end.

In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country (see Section 1.d.). Three refugees disappeared before they could depart; however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

The Government did not initiate any public investigation into any of these disappearances by year's end, nor did the Government investigate the 1998 disappearances of Chadian refugees Jim Temba and El Hadj Bakeye, Chadian herders, or the truck driver Mahamat Oumar.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Penal Code proscribes torture, renders inadmissible in court evidence obtained thereby, and prohibits public servants from using undue force against any person; however, although President Biya also promulgated a law in 1997 that bans torture by government officials, there were numerous credible reports that security forces, including the Operational Command, continued to torture, beat, and otherwise abuse prisoners and detainees. There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Section 1.d.). The Operational Command reportedly tortured some persons before summarily executing them (see Section 1.a.). The U.N. Special Rapporteur on Torture, Nigel Rodley, in his report on the country released in November 1999, stated that torture was widespread and used indiscriminately against persons under arrest or detained. Security forces also reportedly subjected women, children, and elderly people to ill-treatment. Most cases apparently were not reported to the relevant authorities because of ignorance, lack of confidence, or fear of reprisals on the part of the victims and their families. In New Bell and other non-maximum-security penal detention centers, beatings are common and prisoners re-

portedly are chained or flogged at times in their cells. However, the authorities often administer beatings not in prison facilities, but in temporary detention areas in a police or gendarmerie facility. Two forms of physical abuse commonly reported to be inflicted on detainees include the "bastinade," in which the victim is beaten on the soles of the feet, and the "balancoire," in which the victim, with his hands tied behind his back, is hung from a rod and beaten, often on the genitals. Nonviolent political activists often have been subjected to such punitive physical abuse during brief detentions following roundups of participants in antigovernment demonstrations or opposition party political rallies.

Security forces subjected prisoners and detainees to degrading treatment that includes stripping, confinement in severely overcrowded cells, and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions and the names and whereabouts of alleged criminals. In his report, U.N. Special Rapporteur Rodley noted that the Government increasingly was moving toward punishing offenders, but that "some of those incriminated act out of ignorance and others out of pure habit, for they have regularly acted that way for a long time without fear of any consequences." Pretrial detainees sometimes were required, under threat of abuse, to pay so-called "cell fees" (essentially a bribe to the prison guards to prevent further abuse).

On January 27, security forces intervened in a student strike at the University of Douala (see Sections 1.d. and 2.b.). The police used water cannons and nightsticks on the students, which resulted in eight injuries; police also beat several students severely.

On January 28, four gendarmes reportedly arrested and tortured customs inspector Vincent Nkengfua, who they suspected of kidnaping a child. The gendarmes also arrested, detained, and tortured all the workers at Nkengfua's plantation in Mbanga, including a child (see Section 1.d.). In September Nkengfua filed a lawsuit against the gendarmes with the Mbanga High Court for abuse of power, arbitrary arrest and seizure of property, false evidence, calumny, and torture. The status of the lawsuit was unknown at year's end.

On March 27, a crowd dragged Jean-Paul Kentsa to the Tsinga gendarmerie station in Yaounde after a woman claimed that he had tried to kidnap her 7-year-old son. After listening to the woman's statement, a gendarme began beating Kentsa, without allowing Kentsa to tell his side of the story. According to a witness, the gendarme tied his arms and legs and subjected him to "balancoire" torture for over half an hour. When a crowd formed to watch the beating, the gendarme beat two of the onlookers without cause using a machete.

On April 6, police officers beat to death Emmanuel Ebanda, a porter at the Douala International Airport (see Section 1.a.). The police are investigating the case, though no charges have been filed against the officers.

On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.d. and 2.c.).

On April 27, a gendarme officer serving at the mobile gendarmerie unit, Abessolo-Abessolo, assaulted, beat, and seriously injured Nico Ajong in Ajong's tailoring store in the Yaounde neighborhood of Ngoa-Ekelle. The gendarme entered Ajong's workshop, demanded the identity cards of Ajong and a customer, and pocketed Ajong's identity card. When Ajong asked why the gendarme had taken his identity card, Abessolo-Abessolo began beating Ajong on the face and body. A medical report indicated that the resulting injuries incapacitated Ajong for 21 days.

On April 27, Bessala, a soldier on patrol in the Yaounde neighborhood of Coron, shot Cecile Ngono. Ngono was a passenger in a taxicab that did not stop at a police checkpoint, and when Bessala shot at the car, he hit and wounded Ngono.

In April a gendarme in Limbe, Southwest Province, beat and tortured a foreign volunteer teaching at the government bilingual high school. The gendarme interrogated the volunteer about his connections with the Southern Cameroons National Council (SCNC), an organization which calls for secession of the two English-speaking Anglophone provinces.

On May 1, Dieudonne Dibong, a police officer, shot at a Yaounde cab after the cab ignored his traffic directions, seriously wounding the driver and the occupants of the vehicle. The General Delegate for National Security (DGSN) ordered disciplinary sanctions, and the Government arrested Dibong, whose trial was pending at year's end.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident (see Section 2.b.). Police arrested approximately 50 students and severely beat several of them (see Section 1.d.).

On May 23, gendarmes at the NDOP brigade in the Northwest Province arrested and detained Mathew Titiahonjo, Nathaniel Ntam, John Nivame, and several others (see Section 1.d.), and beat and tortured Titiahonjo and Nivame. One of the gendarmes claimed he suspected the men of belonging to a group of bandits who reportedly accosted him on May 19, seized his gun, pulled off his shoes, and tied him to a palm tree. According to the victims, Nivame caught the gendarme asleep with Nivame's girlfriend and stole the gendarme's shoes and gun in retaliation. On September 14, Titiahonjo died in prison reportedly from torture (see Section 1.a.); the



looting and alleged beatings and rapes of civilians by naval cadets in the Anglophone Southwest Province port of Limbe in November 1998. There were no developments in other 1998 cases of nonlethal violence by security forces.

On June 16, the Yaounde Court of First Instance sentenced Leon Ongolo, a Yaounde police commissioner, to 6 months imprisonment, a \$70 (50,000 CFA) fine, and \$450 (300,000 CFA) in victim damages, for brutalizing his neighbors over a dispute concerning electrical wiring in 1996.

Mob violence directed against suspected thieves reportedly continued to result in a number of deaths, some because of beatings or torture (see Section 1.a.).

Prison conditions remained harsh and life threatening. Prisons are seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Serious deficiencies in food, health care, and sanitation due to a lack of funds are common in almost all prisons, including in "private prisons" in the north operated by traditional rulers. U.N. Special Rapporteur Rodley described prison conditions in the country as "universally appalling." Rodley also reported that: "overcrowding, unhygienic sanitation, lack of health care, and shortage of food, reportedly are the main failings in the Cameroonian prison system. These conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant officials." Rodley wrote that these conditions are "endangering the health and even the lives of the detainees." Prisoners are kept in dilapidated colonial-era prisons, where the number of detainees is four to five times the original capacity. Authorities confirmed to Rodley that one cell measuring 6 square meters housed 16 people; one prisoner stated that the cell sometimes held up to 23 people. Health and medical care almost are nonexistent, and prisoners' families are expected to provide food for their relatives in prison. Prison officials torture, beat, and otherwise abuse prisoners (see Section 1.c.). Rodley reported that the vast majority of those in detention had been tortured or abused. Rodley specified cases of machete beatings, toenails being ripped out, and victims shot by police who had received no medical attention. Prisoners routinely die due to harsh prison conditions and inadequate medical treatment. In Douala's New Bell Prison, there were only 7 water taps for a reported 3,500 prisoners; this contributed to poor hygiene, illness, and deaths. In New Bell and other nonmaximum-security penal detention centers, families are permitted to provide food and medicine to inmates; however, beatings are common. Prisoners reportedly are chained or flogged at times in their cells and often are denied adequate medical care. In April the new Minister of Territorial Administration and the new Secretary of State for Territorial Administration in charge of penitentiary administration visited Douala and Yaounde prisons. The Yaounde prison was so dirty that the Minister ordered the immediate release of funds for repainting. In Douala the Minister said that the prison would be improved with funding from a foreign government; however, the project had not been implemented fully by year's end.

Credible press reports indicate that Douala's New Bell prison, originally built for 600 inmates, held more than 3,500 during the year, of which 2,000 were pre-trial detainees. A 1997 report on prison conditions indicated that Bertoua Prison, which was built to hold 50 inmates, housed over 700 persons. The Kondengui Central Prison in Yaounde, constructed in 1967 to hold 1,500 inmates and equipped with only 16 toilets or showers and 400 beds, held approximately 3,300 inmates, including 700 women during the year. In 1999 the government official in charge of prisons said that the Central Prison of Bafoussam, built for 320 inmates, held 3,140 persons. Press reports indicate that the Bamenda Central Prison, built for 300 inmates, currently holds 900 persons, approximately 750 of whom are pre-trial detainees. Overcrowding is exacerbated by the large number of long pretrial detentions and the practice of "Friday arrests" (see Section 1.d.). According to credible press reports, more than 1,400 of the inmates of the Douala prison were pretrial detainees, whereas only 900 were convicted prisoners.

Juveniles and nonviolent prisoners often are incarcerated with adults, although not usually in the same cells. There are credible reports of sexual abuse of juvenile prisoners by adult inmates. Corruption among prison personnel is widespread. Persons awaiting trial routinely are held in cells with hardened criminals. There are few detention centers for women; women routinely are held in prison complexes with men, occasionally in the same cells. Mothers often are incarcerated with their children or babies. The U.N. Special Rapporteur on Torture reported that he saw at least one 14-year-old child being kept with adult offenders, one woman being held in the same cell as male prisoners, and one woman incarcerated with her 9-month-old child. Some high-profile prisoners are able to avoid some of the abuse that security forces routinely inflict on many common criminals. They are kept in elite wings of certain prisons, where they enjoy relatively lenient treatment.

On March 14, a group of detainees in the Douala Central Prison addressed a letter to the governor of the Littoral Province, complaining about the conditions of their detention. They charged that many prisoners must sleep on the ground and without shelter from rain due to lack of floor space within the crowded prison.

Numerous NGO's, diplomatic missions, and the NCHRF all have criticized publicly the conditions of the group of Anglophone detainees arrested in 1997. One reliable report described 28 detainees sharing a cell measuring 14 square meters (about 140-square feet). At least eight of the original detainees reportedly have died from abuse or lack of medical care: Emmanuel Konseh, Samuel Tita, Mathias Gwei, Neba Ambe, Mado Nde, Richard Fomusoh Ngwa, Patrick Jimbou, and Lawrence Fai.

In the north, the Government permits traditional Lamibe (chiefs) to detain persons outside the government penitentiary system, in effect in "private prisons." The places of detention in the palaces of the traditional chiefs of Rey Bouba, Gashiga, Bibemi, and Tcheboa have the reputation of seriously mistreating their inmates. Members of the National Union for Democracy and Progress (UNDP) party, which was an opposition party until late 1997, have alleged that other UNDP members have been detained in these private jails and that some have died from mistreatment.

Both the Cameroonian Red Cross and the NCHRF visited prisons only infrequently during the year. However, the International Committee of the Red Cross (ICRC) began to visit prisons in March 1999, pursuant to a December 1998 agreement with the Government under which the ICRC was to have free access to all detention centers and prisons, have private discussions with the inmates, and make repeated or unscheduled visits (see Section 4). Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC, which had not conducted prison visits in the country during the previous 7 years due to dissatisfaction with the limited access allowed by the Government. However, despite government assurances to the contrary, officials denied U.N. Special Rapporteur for Human Rights Rodley access in May 1999 to holding cells operated by the Government's special antigang unit (see Sections 1.a. and 1.b.).

*d. Arbitrary Arrest, Detention, or Exile.*—The Penal Code requires an arrest warrant for any arrest, except when the criminal is caught in the act; however, security forces continued to arrest and detain citizens arbitrarily. The Penal Code also stipulates that detainees must be brought promptly before a magistrate; however, arbitrary, prolonged detention remained a serious problem, as security forces often failed to bring detainees promptly before a magistrate and sometimes held them incommunicado for months or even years.

Police legally may detain a person in custody in connection with a common crime for up to 24 hours, renewable three times, before bringing charges. However, the law provides for the right to a judicial review of the legality of detention only in the two Anglophone provinces. Elsewhere, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or "pretrial detention" indefinitely, pending court action. Such detention often is prolonged, due to the understaffed and mismanaged court system. According to U.N. Special Rapporteur Rodley, 80 percent of the prison population consists of untried prisoners. Rodley wrote that the length of pre-trial detention, often stretching as long as 7 years, makes it "inhuman in itself." In addition Rodley claimed that "pretrial detention is used not to attain its primary goal of upholding order and security and facilitating investigation, but rather, in the perception both of the public and of the forces of law and order, as a sanction." Furthermore, a 1990 law permits detention without charge by administrative authorities for renewable periods of 15 days, ostensibly in order to combat banditry and maintain public order. Persons taken into detention frequently are denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system includes features of British common law; however, bail is granted infrequently in those provinces.

There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Sections 1.a. and 1.c.).

Government officials and security forces continued to use arbitrary arrest to harass and intimidate members of opposition parties and other critics of the Government.

On January 7, gendarmes in Limbe arrested and briefly detained 23 people who were looking at a flag hoisted by SCNC secessionists without pulling it down. Gendarmes retained the identity cards of 19, telling them to come back on January 10

to retrieve them. When they did so, the gendarmes photographed the individuals before releasing them with their identity cards.

On January 8 and 9, in Limbe, Southwest Province, the Government arrested a group of demonstrating members of the SCNC (see Section 2.b.). The Government released all of the detainees except Justice Frederick Ebong, Chief Ayumba, and James Sam Sabum, three of the group's leaders. The Government did not charge them with any crime, but it transferred them from Limbe to Buea and then to the underground Yaounde prison cells of the Secretariat of State for Defense, where they were awaiting trial on unspecified charges by the state security court at year's end. On May 9, the Buea High Court ruled against a motion for bail for the three SCNC leaders, stating the court lacked jurisdiction over the case.

On January 9, gendarmes of the Nkongsamba (Littoral Province) brigade arrested Sylvestre Tchakoutio, a political activist and member of the opposition Union of Cameroon Democratic Forces (UFDC), on unspecified charges. On January 12, three gendarmes searched his residence without a search warrant (see Section 1.f.). On January 18, during questioning by the brigade commander, Tchakoutio learned that an anonymous false report to the Government's senior divisional officer of Mungo Division claimed that Tchakoutio was hiring people to engage in operations to destabilize the Government. The gendarmes released Tchakoutio on January 30 when they found no evidence to support the accusations.

On January 27, security forces intervened in a student strike at the University of Douala (see Sections 1.c. and 2.b.). Several students, including one of the strike's leaders, Guy Simon Ngakam, were arrested and detained for 2 days.

The Government continued to harass and arrest a high-profile Douala political activist, Mboua Massok. On January 27, Douala police arrested Mboua Massok near the Douala University campus for his apparent support of the January 18 student strike (see Section 2.b.). The gendarmes released him without charge or trial on March 16. On April 11, members of the Douala gendarmerie again detained Massok for several hours regarding a human rights essay he published (see Section 2.a.).

On January 28, four gendarmes reportedly arrested and tortured customs inspector Vincent Nkengfua, who they suspected of kidnaping a child, and all the workers at Nkengfua's plantation in Mbanga, including a child (see Section 1.c.). In September Nkengfua filed a lawsuit against the gendarmes with the Mbanga High Court for abuse of power, arbitrary arrest and seizure of property, false evidence, calumny, and torture.

In March the Prefet (Senior Divisional Officer) of Bangangte, Nd Division, West Province, ordered the arrest of Catherine Yami and Roger Tankeu, respectively the SDF president for the Basssamba electoral district, and the SDF West provincial coordinator (see Section 2.b.). The two leaders had tried to prevent gendarmes from dispersing a meeting in the district.

On March 20, security forces raided the palace of Fon Omer Tawun, the traditional ruler of Chup, in Nkambe, Northwest Province, under the suspicion that he was storing illegal weapons (see Section 1.f.). Although security forces found no weapons or ammunitions, they arrested Fon Tawun, Moses Khan (treasurer of division), and Francis Adamu (second deputy town mayor). Security forces detained the three for 2 days in the town jail, then transferred them to the gendarmerie legion in Bamenda, where they questioned and released them.

On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.c. and 2.c.).

On April 21 and 22, security forces arrested and detained briefly hundreds of SCNC supporters and sympathizers in the towns of Kumba and Muyuka, Southwest Province. The arrests, ordered by the Southwest Province governor, were based on allegations that the SCNC was considering overthrowing the Province's officials.

On May 10, plainclothes policeman in Mamfe, Manyu Division, Southwest Province, arrested without warrants Mathias Takunchung Ebai, Daniel Akwo, John Enow, Tambong, and four other members of the SDF. The police transferred them to the gendarmerie legion in Buea, where gendarmes questioned them for 3 days concerning their support for the SCNC before releasing them on May 13.

On May 23, gendarmes at the NDOP brigade in the Northwest Province arrested and detained Mathew Titiahonjo, Nathaniel Ntam, John Nivame, and several others, and beat and tortured Titiahonjo and Nivame (see Section 1.c.). On September 14, Titiahonjo died in prison reportedly from torture; the Prime Minister released the remaining nine on October 31.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident (see Section 2.b.). Police arrested

approximately 50 students and severely beat several of them (see Section 1.c.). The students were released on May 25.

On the night of June 7, a police patrol from the Yaounde 8 police district arrested and beat Beatrice Elouga for failing to carry her national identity card (see Sections 1.c. and 2.d.).

On August 24, gendarmes released Bassy Okon Edet, a Nigerian fisherman, after a 7-day incarceration. Edet apparently was fishing in the Atlantic Ocean near the disputed Bakassi Peninsula when gendarmes in the region picked him up, permanently seizing his fishing boat, fishing nets, and clothes. Edet claims that the gendarmes blindfolded him, did not feed him, and forced him to do labor during his incarceration (see Section 6.c.); the fisherman claims that other Nigerians remain in the same detention camp.

In November the Prefet of Dschang arrested two union leaders allegedly because of an unsigned labor agreement (see Section 6.a.); ten others also were questioned. All 12 were released the next day.

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde (see Sections 2.b. and 3). Security forces arrested several marchers, seized journalists' cameras (see Section 2.a.), and beat one journalist (see Section 1.c.).

Security forces harassed and occasionally detained journalists and beat demonstrators and members of human rights NGO's (see Sections 2.a. and 2.b.). For example, in late June, police commissioner Jean-Joel Ondo, from the central provincial judicial police, detained for 2 hours two journalists of the Douala-based French-language tri-weekly newspaper, *La Nouvelle Expression*. According to the journalists, the commissioner arrested them for chatting with two young women who were close to the commissioner. The commissioner also ordered the two women brought to the police station, where police beat one of them severely (see Section 1.c.).

Many of the public officials arrested in 1999 in the Government's high-profile but short-lived corruption crack-down still were awaiting trial at year's end. In September and October 1999, the Government arrested these officials, including former Minister of Posts and Telecommunications Monchipou Seidou, Ministry Budget Director Guillaume Yetna Hiobi, and Ministry Director of Production Philip Tarkang, on charges of corruption or embezzlement.

On March 3, political activist Sanda Oumarou was released from jail; he had been held without formal charges or judicial proceedings since July 1999.

In 1997 government security forces detained 13 former senior military officers of Equatorial Guinea who had been granted refugee status by the UNHCR and had lived in the country for 4 years. In 1998 these 13 officers, who were affiliated with an Equato-Guinean opposition party and included Alfonso Mba Nsogo, former head of the Equato-Guinean military, contested the Government's assertion that it had arrested them for their own protection. In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country. Three refugees disappeared before they could depart (see Section 1.b.); however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

Nana Koulagne, a former member of the National Assembly and UNDP activist, has remained in prison in Garoua since May 1997, when members of the security forces attacked and arrested him and other activists of the then-opposition UNDP while he was campaigning for election in the North Province. On July 17, after more than 3 years in detention, the Garoua Military Tribunal formally charged Koulagne with complicity in assassination, group looting, arson, and desecrating cadavers. On August 31, the Garoua Military Tribunal sentenced Koulangne to 3 years in prison, counted as time served in detention. He was released on August 31. No members of the Lamido's traditional guard, who also were involved in the incident, were charged with a crime.

The Government continues to incarcerate illegally Nda Yinzi Ousmanou, Pierre Mbock, Jules Zoa, Ambadiang Adebada, and Michel Kamga. The Government arrested the five on April 30, 1996, on charges of aggravated theft, illegal possession of firearms, and forgery. Despite an October 1997 Douala court ruling of innocence and a court order to release the men, the Government refuses to let them out of prison. Nda Yinzi Ousmanou died on November 21, 1998, and the other four remain incarcerated.

Four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zacque Njenta, have been detained in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. At year's end, none of these detainees had been brought before a judge or charged with a crime.

Police and gendarmes often arrest persons on spurious charges on Fridays at mid-day or in the afternoon (see Section 1.c.). While the law provides for a judicial review of an arrest within 24 hours, the courts do not convene sessions on the weekend, so the detainee remains in prison at least until Monday. Police and gendarmes commonly accept bribes to make such "Friday arrests" from persons who have private grievances against the person arrested. There are no known cases of any policemen or gendarmes being sanctioned or punished for this practice.

Government intimidation extends beyond the police stations and holding cells. In efforts to combat highwaymen ("coupeurs de route"), Colonel Pom and his special antigang gendarmerie unit (see Section 1.a.) use informants to identify and accuse persons of taking part in highway robbery. Standards of proof for such accusations are nonexistent. Accusations occasionally have been used to pursue private grievances, and informants repeatedly have extorted money from innocent persons by threatening to accuse them of being bandits. The Douala Operational Command reportedly uses informants in a similar fashion. These informants often are former criminals or prison guards, and are used to target criminals who are then summarily executed (see Section 1.a.).

The Government does not use forced exile; however, some human rights monitors or political opponents who considered themselves threatened by the Government have left the country voluntarily and declared themselves to be in political exile.

On April 11, the traditional rulers of Ekondo-Titi, Southwest Province, acting under the authority of the Balondo Development Association (BACUDA), ordered the expulsion of Iyassa Anou, Joseph Regeant, Johnson Mambo Naseri, Mathew Ajong Awor, Christian Buma, Francisca Nyando, and James Okenye, for allegedly bewitching to death a resident of the town of Lobe; however, the order to expel the seven was not implemented by year's end. BACUDA was investigating the charges of alleged witchcraft at year's end.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary remains highly subject to political influence and corruption. The court system remains technically part of the executive branch, subordinate to the Ministry of Justice. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints judges with the advice of the Supreme Council of the Magistrature. However, during the 1990's, elements of the judiciary began to show some modest signs of growing independence. Since 1997 the courts repeatedly have used powers given them under the 1996 press law to order the Ministry of Territorial Administration to desist from seizing print runs of newspapers critical of the Government. In 1999 an appeals court overturned a criminal libel conviction of journalists on the grounds that it violated 1990 legislation providing for freedom of the press (see Section 2.a.); however, some politically sensitive cases never are heard.

The court system includes the Supreme Court, a court of appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

Military tribunals may exercise jurisdiction over civilians not only when the President declares martial law, but also in cases involving civil unrest or organized armed violence. A law on the organization of the judiciary promulgated in 1998 also transferred to military tribunals jurisdiction over gang crimes, grand banditry, and highway robbery. The Government apparently interprets these guidelines quite broadly and sometimes uses military courts to try matters concerning dissident groups and political opponents.

The legal system includes both national law and customary law, and many cases can be tried using either. Customary law is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Accordingly, particular points of customary law differ depending upon the region and the ethnic group where a case is being tried. In some areas, traditional courts reportedly have tried persons accused of some offenses, such as practicing witchcraft, by subjecting them to an ordeal, such as drinking poison (see Section 2.c.); however, there were no known incidents during the year. Customary courts may exercise jurisdiction only with the consent of both parties to a case; either party has the right to have any case heard by a national rather than a customary court, and customary law is supposed to be valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remain unaware of their rights under civil law and have been taught since birth that customary laws form the rules by which they must abide. Consequently, traditional courts remain important in rural areas and serve as an alternative for settling disputes. Their authority varies by region and ethnic group, but they often are the arbiters of property and domestic disputes and may serve a probate function as well. Most traditional courts permit appeal of their decisions to traditional authorities of higher rank.

Corruption and inefficiency in the courts remain serious problems. Justice frequently is delayed or denied before reaching the trial stage (see Section 1.d.). Political bias often brings trials to a halt or results in an extremely long process, punctuated by extended court recesses. Powerful political or business interests appear to enjoy virtual immunity from prosecution; some politically sensitive cases are settled with a payoff and thus never are heard. Private journalists, political opponents, and critics of the Government often are charged or held and sometimes jailed under libel statutes considered by observers as unduly restrictive of press freedom (see Section 2.a.). Prisoners may be detained indefinitely during pretrial proceedings.

The legal structure is influenced strongly by the French legal system, although in the Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Because appointed attorneys receive little compensation, the quality of legal representation for indigent persons is often poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offer free assistance in some cases. Trials are normally public, except in cases with political overtones judged disruptive of social peace.

The Government holds a number of political prisoners; however, as in previous years, there were no reliable estimates of the number of political prisoners held at the end of the year.

In April 1999, the Government began the trial of the 65 surviving Anglophones who had been detained, some for more than 2 years, on suspicion of participating in armed attacks against government installations in the Northwest Province in March 1997. This judicial process did not follow either international or national legal norms. In October 1999, the military tribunal convicted 37 of the accused, sentencing 3 to life imprisonment and 34 to terms ranging from 1 to 20 years in prison. The tribunal acquitted 28 defendants, some of whom had been detained for 30 months, during which at least 8 of the persons originally arrested in this case died in custody, some of them as a result of torture inflicted on many of these detainees (see Section 1.c.). At year's end, 19 of the Anglophones convicted remained in prison in Yaounde; the other 18 were released following the completion of their sentences. On November 6, the Government released four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zacque Njenta, who had been in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. The tribunal declared itself incompetent to rule on two accused illegal Ghanaian immigrants, who remain incarcerated. International human rights NGO's, including Amnesty International, criticized the trial as unfair and protested the sentences.

Titus Edzoa, former Minister of Health and longtime presidential aide, who had declared himself a candidate to oppose incumbent President Biya in the 1997 election, remains incarcerated, together with Michel Atangana, his campaign manager. They were sentenced in 1997 to 15 years' imprisonment on embezzlement and corruption charges, for which Edzoa was arrested shortly after declaring his presidential candidacy (see Section 3). In 1999 the Yaounde Court of Appeals confirmed their convictions and their 15-year prison terms. At year's end, Edzoa reportedly still was held in confinement at the maximum security gendarmerie headquarters, in cramped quarters with very limited access to visitors.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The preamble of the Constitution provides for the inviolability of the home, for protection against search except by virtue of law, and for the privacy of all correspondence; however, these rights are subject to the "higher interests of the State," and there were a number of credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail. The Government continued to keep some opposition activists and dissidents under surveillance.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing an inquiry and has reason to suspect that a crime has been committed. The officer must have a warrant to make such a search after dark. However, a police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

An administrative authority may authorize police to conduct neighborhood sweeps in search of suspected criminals or stolen or illegal goods without individual warrants. Such sweeps are conducted frequently. During the year, as in 1999, sweeps involving forced entry into homes occurred in Yaounde, Douala, Ekondo Titi, Maroua, and Kousser. An increase in crime during the year led to a dramatic increase in the number of such sweeps, called "kali-kali" or "raffles," in Douala and Yaounde. Government security forces also conducted neighborhood sweeps in Buea and Limbe. Typically, security forces seal off a neighborhood, systematically search

homes, arrest persons arbitrarily, and seize suspicious or illegal articles. There were credible reports that security forces used these sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (see Sections 1.d. and 2.d.). In a June letter to government officials, the Catholic Archbishop of Douala stated that security forces arrested some parents during these operations, forcing them to leave babies or sick children alone at home.

In the past, Government administrative officials have used the armed forces to conduct tax raids on civilian communities; however, the Government reportedly did not conduct any such raids this year. In the past, the Government publicly has blamed opposition parties for its inability to collect internal revenues, but it did not repeat such accusations this year.

On January 12, three gendarmes of the Nkongsamba (Littoral Province) brigade searched the residence of Sylvestre Tchakoutio, a political activist, for guns without a search warrant. Tchakoutio had been arrested on January 9 (see Section 1.d.).

On March 20, security forces, under instructions from the senior divisional officer, raided the palace of Fon Omer Tawun, the traditional ruler of Chup, in Nkambe, Northwest Province, under the suspicion that he was storing illegal weapons. Eyewitness accounts reported that security forces violated sacred places in the palace during the search, including the "kwifon," which houses the traditional secret society of the village. Though security forces found no weapons or ammunitions, they arrested Fon Tawun, Moses Khan (treasurer of division), and Francis Adamu (second deputy town mayor) (see Section 1.d.).

On May 7, a police officer by the name of Bahiga shot and killed Laurent Abbe in Yaounde during an allegedly illegal search of Abbe's friend's residence (see Sections 1.a. and 1.d.).

In June in Ndop, Northwest Province, a gendarme who had lost his gun enlisted the support of his brigade to search for the weapon without a warrant. Press reports indicated the gendarmes ransacked homes and business, assaulting citizens in the process (see Section 1.c.).

Following the November 1999 destruction of the Kobba-Bonaberi neighborhood in Douala, some residents returned to the neighborhood in May and began to rebuild their homes. In June the authorities warned the returning residents to leave, or the Government would destroy their homes again. A few residents continue to maintain that they have valid permits to build homes.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of expression and of the press; however, the Government continued to impose limits on these rights. The Penal Code's libel laws specify that defamation, abuse, contempt and dissemination of false news are offenses punishable by prison terms and heavy fines. These statutes sometimes are invoked by the Government to silence criticism of the Government and government officials.

While approximately 60 private newspapers were published, only about 20 were published on a regular basis. Most continued to be highly critical of President Biya, and his Government, and reported on controversial issues, including corruption, human rights abuses, and economic policies. Since the Government's 1994-95 crack-down on the private press, most private journalists have begun to practice a higher degree of fact checking and thus have increased journalistic accuracy. Journalists continue to be critical of the Government; however, some journalists practiced self-censorship.

In 1996 the Government repealed the law that had authorized the Government both to censor private publications and extrajudicially to seize publications "dangerous to public order," or suspend newspapers' publication licenses. Previously, the Government often had taken these extrajudicial actions to inflict economic damage on newspapers critical of the Government and had done so often during election years.

Formal censorship ceased in 1997. Since 1998, the Government largely has ceased to interfere with private newspaper distribution or seize print runs of private newspapers; however, on May 10, the Prefet (Senior Divisional Officer) of Kumba, Meme Division, Southwest Province, signed an order to ban one issue of the Bamenda-based English-language publication *Today* in his district. The Prefet took the measure following an increase in the secessionist activities in the region, and increased reporting of such activities.

Security forces continued frequently to restrict press freedom by harassing or abusing private print media journalists.

The Government continued to harass and arrest the high-profile Douala political activist, Mboua Massok (see Section 2.b.). On April 11, members of the Douala gen-

darmerie detained Massok for several hours regarding a human rights essay he published (see Section 1.d.).

On April 15 and 16, a gendarme patrol detained Alex Lembe, a journalist with Afrik Netpress and formerly with Aurore Plus, a Douala-based, French-language weekly newspaper. The patrol had stopped Lembe and demanded his identity card. When the patrol commander realized he was a journalist, he insulted Lembe, beat him, and held him overnight (see Section 1.c.).

In late June, police commissioner Jean-Joel Ondo, from the central provincial judicial police, detained for 2 hours two journalists of the Douala-based French-language tri-weekly newspaper, *La Nouvelle Expression* (see Section 1.d.). According to the journalists, the commissioner arrested them for chatting with two young women who were close to the commissioner.

On September 15, members of the Operational Command unit arrested three employees of *Le Messenger* in Douala and detained them at the Mboppi gendarmerie camp (see Section 1.d.). They were released the following day without charges.

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde (see Sections 2.b. and 3). Security forces arrested several, seized journalists' cameras, and beat one journalist (see Sections 1.c. and 1.d.).

From March through May, the Government harassed some newspapers through fiscal means. On April 30, the Center Provincial Taxes Department sealed the office of the Yaounde-based French-language newspaper, *L'Anecdote*, demanding that the paper pay tax arrears of \$280,000 (200 million CFA). According to one newspaper, the move was prompted by an article the paper had published in September 1999, accusing the wife of a senior official of the Ministry of Finance of involvement in the embezzlement scandal at the Ministry of Posts and Telecommunications, for which the Government later arrested her. On May 19, the Government sealed the offices of the Douala-based French-language publication *Le Front Independent* for one day due to non-payment of taxes estimated at \$21,000 (15 million CFA) by the Littoral Province Office of Taxation. In early June, the Government again sealed the paper's offices, claiming that arrears had jumped to \$57,000 (40 million CFA). The newspaper and the taxation office reportedly were negotiating a deal at year's end.

Since 1996 the Government frequently has prosecuted its critics in the print media under the criminal libel laws. These laws authorized the Government, at its discretion and at the request of the plaintiff, to criminalize a civil libel suit, or to initiate a criminal libel suit in cases of alleged libel against the President and other high government officials. There continued to be allegations that government ministers and other high officials offered to drop criminal libel suits in exchange for cash payments from newspapers or journalists. During the year, the Government arrested, prosecuted, or convicted four members of the press on criminal libel charges. However, this practice declined in frequency and severity from previous years, apparently due in part to greater fact checking on the part of journalists.

On April 3, the Bafoussam High Sentence Court sentenced Michel Eclador Pekoua, publisher of the Bafoussam-based French-language weekly newspaper *Ouest Echoes* to 6 months in jail and damages of \$1150 (800,000 CFA) for libel in a suit brought by Blanche Penda Ekoka, an employee of the national hydrocarbon company (SNH). On July 14, 1999, *Ouest Echoes* published a leaflet on behalf of a group of SNH employees, denouncing unjust working conditions and blaming the SNH General Manager and Penda Ekoka, said to be his girlfriend. In August 1999, Penda Ekoka's lawyer and the instructing magistrate demanded that Pekoua disclose the names of those who had written the leaflet. Pekoua refused, and the Government charged and convicted Pekoua with defamation, abuse (insulting expressions), and false reporting. On May 2, after 30 days of detention in the Bafoussam Penitentiary, the judge granted provisional release to Pekoua, pending an appeal.

On April 12, security forces arrested Severin Tchounkeu, publisher of the Douala-based French-language tri-weekly *La Nouvelle Expression*, and newspaper journalists Edmond Kamguia and Alain Bengono, and detained them in the cells of the Secretariat of State for Defense for 3 days. The Government had filed a complaint against the paper for its March 31 "April Fool's" article that said that bandits attacked the gendarmerie station in Yaounde, seizing arms, and holding the gendarmes hostage. On April 14, the Government charged Tchounkeu and Bengono with "dissemination of false news" and released them pending trial. The Government did not file charges against Edmond Kamguia.

On July 19, a Douala court sentenced Daniel Atangana and Thierry Mbouza, two journalists of the Douala-based French-language biweekly *Dikalo*, to 6 months in prison. The publisher, Celestin Biake Difana, received a suspended 6-month prison term. The Douala court had convicted the journalists of defamation, false reporting, and the dissemination of false news charges, based upon *Dikalo's* 1998 publication of a memorandum written by members of the National Union of Road Transporters



(SNTR), denouncing the poor management of SNTR President Pierre Sime. Sime responded with a libel suit. The case was suspended and Dikalo was appealing previous judgments against the newspaper at year's end.

No new developments were reported in the following 1999 criminal libel cases: The February 1999 criminal libel conviction of SDF Party Chairman Fru Ndi and journalists Severin Tchounkeu and Henriette Ekwe; the June 1999 sentencing of Severin Tchounkeu and Souley Onohiolo for libel and dissemination of false news; and the June 1999 sentencing of Anselme Mballa for criminal libel.

The Government publishes an official newspaper, The Cameroon Tribune. This paper occasionally implies criticism of the Government; however, its reporters do not report extensively on activities or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

Despite the large number of newspapers in the country, the influence of the print media on the average person is minimal. Circulation is low, distribution is problematic outside of Yaounde and Douala, and prices are high. Print media reaches only a tiny percentage of the population, most notably the urban elite. The Cameroon Tribune has a print run of only about 5,000; the four most important opposition papers Dikalo, Le Messenger, Mutations, and Nouvelle Expression, have print runs of between 5,000 and 10,000 each.

Radio remains the most important medium for reaching most citizens. There are approximately 2 million radios in the country. Television is less pervasive but is still more influential than the print media. There are an estimated 300,000 to 400,000 television sets in the country, and viewership is high, since many persons watch television in extended family groups or together in commercial establishments.

On April 3, the Government issued a decree that implements the 1990 law liberalizing the broadcast media and sets out the conditions and procedures for establishing independent radio and television stations. Rural radio stations must submit an application to broadcast but are exempt from fees. Potential commercial radio and television broadcasters must submit a licensing application and pay a fee when the application is approved. The annual licensing fees stipulated in the decree potentially are prohibitive: \$15,600 (10 million CFA) for radio broadcasters, \$73,000 (50 million CFA) for local television stations, and \$146,000 (100 million CFA) for national television stations. Nonetheless, the Ministry of Communication received more than a hundred applications from potential broadcasters.

Five Yaounde-based private radio stations that previously had been broadcasting illegally submitted applications and paid an interim fee of \$727 (500,000 CFA). The Government authorized them to continue broadcasting, pending final approval of their application and subsequent payment of the full licensing fee. Of these stations, two are religious: The Pentecostal "Radio Bonne Nouvelle" and "Radio Reine," which is managed by a Catholic priest, though not officially sponsored by the Catholic Church. Two others are affiliated with private non-accredited academic institutions: NDI Samba University's "Radio Lumiere" and the Siantou University's "Radio Siantou." The fifth station is "Radio Venus," which plays only music. A small number of radio stations that had been broadcasting illegally including "Radio Soleil," which broadcasts from the Muslim quarter of Yaounde, did not apply for licenses, claiming the fees are too high. The Government has not yet acted against these operators.

The state-owned Cameroon Radio and Television (CRTV) broadcasts on both television and radio and is currently the only officially-recognized and fully-licensed broadcaster in the country. The Government levies taxes on all registered taxpayers to finance CRTV programming, giving it a distinct advantage over newly-competing independent broadcasters.

There are several low-power, rural community radio stations mostly funded by foreign countries, with extremely limited range, which broadcast educational programs to small audiences but are not allowed to discuss politics. In addition this year's decree allows for broadcasting of foreign news services but requires them to form a partnership with a national station. Radio France International and the British Broadcasting Corporation (BBC) have announced their intention to work with CRTV and hope to begin broadcasting in 2001.

During the year, the Government continued to allow the reception of international cable and satellite television broadcasts (see Section 1.f.).

Like the Cameroon Tribune, CRTV provides broad reporting of CPDM functions, while giving relatively little attention to the political opposition. CRTV management, which in the past repeatedly has instructed CRTV staff to ensure the Government views prevail at all times in CRTV broadcasts, continued during the year to punish CRTV journalists who criticized government policy. In late May, CRTV censored a program concerning the Douala Operational Command, the security unit instituted to fight Douala city crime. CRTV had started broadcasting the program,

including portions that reported public allegations of arbitrary arrests, torture, and extortion. The Government censored the second part of the program before it was broadcast, allegedly because the first part had caused some embarrassment to the military hierarchy and the Government. In November CRTV suspended two journalists for broadcasting a program that criticized members of the ruling party for their lifestyles.

CRTV television and radio programming include a weekly program, *Expression Directe*, which ostensibly fulfills the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, CRTV continued to restrict the opposition SDF party's freedom of expression through that program, occasionally censoring and significantly shortening proposed SDF programming. For example, on March 9 and 22, the General Manager of CRTV censored SDF submissions, arguing that the content of the programs violated provisions of the law. Both CRTV and the SDF appealed to the National Council on Communication, the regulatory organ for communication, for support. There was no report of a ruling or decision by the National Council on Communication by year's end.

High-tech communications, including the Internet, e-mail, and satellite phones, are not available or utilized widely; however, a few cybercafes provide occasional Internet or e-mail access in some urban areas. There are at least six domestic Internet service providers, one of which has been in operation for 3 years. Some are privately owned. The Government has not attempted to restrict or monitor these forms of communications.

Although there are no legal restrictions on academic freedom, state security informants operate on university campuses. Many professors believe that adherence to opposition political parties can affect adversely their professional opportunities and advancement. Free political discussion at the University of Yaounde is dampened by the presence of armed government security forces. Security forces subjected Dr. Charley Mejame Ejede, a professor of philosophy at the University of Douala who is also national secretary of the Liberal Democratic Alliance political party, to prolonged harassment, presumably due to his political activism in previous years; however, there were no reports of such harassment during the year. Security forces forcibly dispersed some student protests during the year (see Section 2.b.).

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly; however, the Government restricts this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify government officials in advance; it does not require prior government approval of public assemblies, and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, for many years government officials routinely have asserted that this provision of the Penal Code implicitly authorizes the Government to grant or deny permission to public assemblies, often have not granted permits to assemblies organized by persons or groups critical of the Government, and repeatedly have used force to suppress public assemblies whose organizers submitted advance notice as required by law but for which government authorities did not issue permits. The Government continued to allow opposition political parties greater freedom of assembly.

In early January, two administrative orders banned all political activities in Buea and Limbe, Fako Division, Southwest Province, following a series of secessionist activities in December 1999. On January 8 and 9, in Limbe, Southwest Province, the Government arrested several demonstrating members of the SCNC, including the rally's leader Justice Frederick Ebong and two of his associates (see Section 1.d.). Approximately 25 SCNC members marched and raised the flag of the "Federal Republic of the Southern Cameroons." The march followed the December 1999 announcement by the SCNC that proclaimed the independence of two southern provinces.

On January 27, security forces intervened in a student strike at the University of Douala. The students went on strike on January 18 to demand changes at the university. The police used water cannons and nightsticks on the students, and beat several students severely (see Section 1.c.). Police also arrested several students and detained them for 2 days (see Section 1.d.). Political activist Mboua Massok also was arrested near the campus for his apparent support of the strike (see Section 1.d.).

In early March, the Prefet (Senior Divisional Officer) of Bangangte, Nd Division, West Province, ordered the arrest of Catherine Yami and Roger Tankeu, respectively the SDF president for the Bassamba electoral district, and the SDF West provincial coordinator (see Section 1.d.). The two leaders had tried to prevent gatherings from dispersing a duly declared meeting in the district.

On March 30, Pierre Minlo, the Delegate General for National Security (DGSN) in Yaounde, banned three peaceful marches by the Union of Cameroon Democratic

Forces (UFDC), an opposition party. The UFDC wanted to protest against growing crime in Yaounde and had declared to the sub-divisional officers (sous-prefets) in the three affected neighborhoods their intent to march. In his communique, the DGSN stated that the UFDC had no right to march because it was not represented at the National Assembly, a requirement which does not exist in any of the laws regulating public meetings and processions.

On March 30, the Government banned a press conference by five SDF mayors in Douala suburbs, and police officers from the Douala First Police District barred entry to journalists and participants. According to the commissioner leading the squad, authorities banned the conference because they feared it might disturb public order; the commissioner made this deduction because the mayors allegedly refused to disclose what they planned to say at the press conference.

On May 23, police and gendarmes forcibly dispersed a demonstration by students of the University of Yaounde, in which students protested the poor road conditions that killed 14 persons in a May 17 bus accident. Police arrested approximately 50 students and severely beat several of them (see Sections 1.c. and 1.d.).

On November 13, security forces forcibly dispersed a march by opposition SDF parliamentarians in Yaounde. The Governor of the Center Province had banned the march on November 7. The parliamentarians marched to highlight the need for an independent electoral commission (see Section 3). Security forces arrested several marchers, seized journalists' cameras and beat one journalist (see Sections 1.c. and 2.a.). On November 24 in Yaounde, security forces dispersed a similar protest by several dozen SDF parliamentarians; the SDF did not seek Government approval for the march as required under the law. No arrests were made.

The law provides for freedom of association, and the Government generally respected this right in practice during the year, although there were some exceptions. The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. Over 150 political parties operated legally, together with a large and growing number of civic associations. However, in past years, the Government has been suspected widely of fomenting splits in the main opposition party, the SDF. Some members of the SCNC claim that the Government encourages splits within the organization as a way of undercutting the group's secessionist message.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Relations between the State and religious groups are governed chiefly by the Law on Religious Congregations. Religious groups must be approved and registered with the Ministry of Territorial Administration in order to function legally; there were no reports that the Government refused to register any group. It is illegal for a religious group to operate without official recognition, but the law prescribes no specific penalties for doing so. Although official recognition confers no general tax benefits, it allows religious groups to receive real estate as gifts and legacies for the conduct of their activities. In order to register, a religious denomination must fulfill the legal requirement to qualify as a religious congregation. This definition includes "any group of natural persons or corporate bodies whose vocation is divine worship" or "any group of persons living in community in accordance with a religious doctrine." The denomination then submits a file to the Minister of Territorial Administration. The file must include a request for authorization, a copy of the charter of the group that describes planned activities, and the names and respective functions of the officials of the group. The Minister studies the file and sends it to the presidency with a recommendation for a positive or negative decision. The President generally follows the recommendation of the Minister, and authorization is granted by a presidential decree. The approval process usually takes several years, due primarily to administrative slowness. The only religious groups known to be registered are Christian and Muslim groups and the Baha'i Faith, but other groups may be registered. The Ministry has not disclosed the number of registered denominations, but the number of registered religious groups is estimated to be in the dozens. The Government does not register traditional religious groups, on the grounds that the practice of traditional religions is not public but rather private to members of a particular ethnic or kinship group, or to the residents of a particular locality.

The sites and personnel of religious institutions were not exempt from the widespread human rights abuses committed by government security forces. On April 20, government security forces reportedly attacked the parish of Notre Dame de Sept Douleurs in Douala during a Mass. Security forces reportedly arrested some parishioners and beat others (see Sections 1.c. and 1.d.). On April 24, the Ministry of National Education announced the suspension of two teachers of the Bertoua technical high school. The two teachers were accused of having "enticed" some of their students into their religious group.

In January 1998, an undisclosed number of personnel of the 21st Navy Battalion, allegedly broke into a church in Douala, beat and stabbed the priest and several youths, raped young women, and stole funds. On February 22, the Douala Military Tribunal convicted the personnel of breach of orders causing bodily harm and destruction. The tribunal sentenced them to 1-year imprisonment with no possibility of remission.

Disputes within registered religious groups about control of places of worship, schools, real estate, or financial assets are resolved in the first instance by the executive branch rather than by the judiciary.

Government officials criticized and questioned criticisms of the Government by religious institutions and leaders, but there were no reports that Government officials used force to suppress such criticism.

The practice of witchcraft is a criminal offense under the national penal code; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of which the causes were unknown.

There was a media report that in September 1999 traditional authorities in Lobe, in N'dian Division of the Southwest Province, banished from the locality six persons, including one blind man, accused of having killed a woman by practicing witchcraft. According to the report, a traditional court tried the accused by requiring them to drink poison that traditionally is believed to kill only those who lie to the court, convicted the accused when they refused to drink, ordered them to pay inkind, bloodprice damages, and expelled them from the locality when they refused to pay. The accused reportedly filed a protest with the divisional officer of the central Government; however, initial investigations could not confirm this report.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law does not restrict freedom of movement within the country; however, in practice government security forces routinely impede domestic travel. Police frequently stop travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Police commonly demand bribes from citizens whom they stop at roadblocks or at other points.

Roadblocks and checkpoints manned by security forces have proliferated in cities and most highways and make road travel both time-consuming and costly, since extortion of small bribes is commonplace at these checkpoints. In past years, violent and sometimes fatal confrontations have occurred repeatedly at such checkpoints when travelers would not or could not pay the bribes demanded by the security forces.

There were credible reports that police arrested and beat individuals who failed to carry their identification cards (see Sections 1.c., 1.d., and 1.f.).

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has long been a safe haven for displaced persons and refugees from nearby countries. The Government provides first asylum to persons who arrive at the border without documentation but who can show a valid claim to refugee status. The UNHCR estimated that there were about 47,000 refugees in the country for whom Cameroon was a country of first asylum. However, some NGO's claim that the number is as high as 60,000. The majority of these persons are Chadians, whose total number was estimated to be more than 41,000. In May 1999, the UNHCR began a repatriation program for Chadian refugees. The remaining refugees principally were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. The Government accepts for resettlement refugees who are granted refugee status by the UNHCR.

In 1997 government security forces detained 13 former senior military officers of Equatorial Guinea who had been granted refugee status by the UNHCR and had lived in the country for 4 years (see Section 1.d.). In August 10 of the 13 refugees from Equatorial Guinea detained at a military base since 1998 left for refugee resettlement in another country. Three refugees disappeared before they could depart (see Section 1.b.); however, they were believed to have returned voluntarily to Equatorial Guinea or to have established unofficial residence in the country.

Some illegal immigrants have been subjected to harsh treatment and imprisonment. In August Bassy Okon Edet, a Nigerian fisherman released after 7 days of incarceration by gendarmes (see Section 1.d.), claimed that security forces continue to hold other Nigerians for fishing in waters close to the disputed Bakassi Peninsula. Communities of Nigerians and Chadians often have been the targets of police and gendarme harassment. During raids, members of the security forces often extort

money from those who do not have regular residence permits or those who do not have valid receipts for store merchandise (see Section 5).

There were no confirmed reports of the forced return of persons to a country where they feared persecution. Although the Government occasionally returns illegal immigrants, there were no reports of forced repatriation of recognized refugees.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides that citizens have the right to change their government, but dominance of the political process by the President and his party limits the ability of citizens to exercise this right. President Paul Biya has controlled the Government since 1982 and the ruling party since 1985. The 1992 and 1997 presidential elections and the 1997 legislative contests were criticized widely and viewed as fraudulent by international and domestic observers. In these elections, which were administered by the Ministry of Territorial Administration, members of largely pro-opposition ethnic groups and inhabitants of largely pro-opposition localities effectively were prevented from registering or voting, registration and vote counting procedures were not transparent, a public announcement of results was delayed, and the number of votes cast in some progovernment areas exceeded the adult population.

Elections are held by balloting that officially is described as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package containing one card for each candidate. While alone inside a closed booth, citizens choose a ballot and seal it into an envelope. Citizens then exit the booth and vote by depositing the sealed envelope into a ballot box. Polling officials are supposed to provide a method by which voters can dispose of the unused ballots privately before exiting the closed booth, but this rarely was done in the 1996 or 1997 elections.

Following the flawed 1997 legislative elections, international observers endorsed a series of reform measures, including the creation of a permanent and autonomous electoral commission to replace the present system of elections run by the Ministry of Territorial Administration. The Government's control of the electoral process leads to a variety of abuses including preelection manipulation of voter registration lists.

President Biya's October 1997 reelection was marred by serious procedural flaws as well as by a boycott by the three major opposition parties. While the boycott made the outcome a foregone conclusion, most observers nonetheless considered the contest to be neither free nor fair. Election irregularities especially were egregious

interpreting the laws and determining how these should be implemented. The President also has the power to appoint important lower level members of the 58 provincial administrative structures, including the senior divisional officers, the divisional officers, and the district chiefs. The governors and senior divisional officers wield considerable authority within the areas under their jurisdiction, including, significantly, the authority to ban political meetings that they deem likely to threaten public order. They also may detain persons for renewable periods of 15 days to combat banditry and other security threats.

The 1996 amendments to the 1972 Constitution retained a strongly centralized system of power, based on presidential authority. However, the amendments imposed a limit of two 7-year (in place of unlimited 5-year) terms on the President. They provided for the creation of a partially elected (70 percent) and partially appointed (30 percent) senate, along with the creation of a similarly constituted set of provincial assemblies with limited power over local affairs. Although promulgated by the President in January 1996, the senate and regional council amendments have not yet been implemented.

Citizens' right to choose their local governments remained circumscribed. In 1996 the Government held local government elections that were unprecedented in the Francophone region and the first such elections since the 1960's in the Anglophone region. These elections were for mayors or deputy mayors and council members in Douala, Yaounde, provincial capitals, and some division capitals. President Biya first promised such elections in 1992, but postponed them twice. In the meantime, the Government greatly increased the number of municipalities run by presidentially-appointed delegates, who have authority over elected mayors. Delegate-run cities, of which there were only four in 1992, by 1996 included most of the provincial capitals and some division capitals in pro-opposition provinces, but not in the southern provinces that had tended to support the CPDM. In 1998 a 60member Committee on Good Governance, created by the Government, publicly recommended that the Government eliminate the position of delegate in order to allow elected local officials to manage municipal governments more freely. Even in municipalities with elected mayors, local autonomy is limited, since elected local governments must rely on the central Government for most of their revenues and their administrative personnel.

Like the 1992 National Assembly elections, the 1996 municipal elections were less flawed than other elections held since 1990. Foreign observers considered the elections largely free and fair, having detected few instances of malfeasance during or after the voting; however, opposition parties credibly alleged systematic preelection government manipulation of the registration lists and arbitrary government disqualification of their candidates, especially in the south. Government election authorities acknowledged that opposition candidates won 104 of the 336 offices at stake. Ninety-six contests in which the Government declared the ruling party candidate the winner were appealed to the Supreme Court, which declared itself unqualified to adjudicate many of these complaints, but nullified the results of 18 elections, which it ordered the Government to hold again. As of year's end, the Government had not complied with any of these Supreme Court orders.

There were no new developments in the 1999 criminalized civil libel case against SDF Party Chairman John Fru Ndi by a disgruntled former SDF official. Fru Ndi's February 1999 felony conviction still is pending an appeal in the Yaounde High Court. Some observers believe that Fru Ndi's conviction might enable the Government in the future to disqualify him for any public office for which he may seek to run.

Women are underrepresented in government and politics. There are no laws that specifically prohibit women or members of minorities from participating in government, in the political process, or in other areas of public life. Women hold 4 of 50 cabinet posts, 10 of 180 seats in the National Assembly, and few of the higher offices of major political parties, including the CPDM.

Many of the key members of the Government are drawn from the President's own Bulu/Beti ethnic group, as are disproportionately large numbers of military officers and CPDM officials. Members of some of the other 200 ethnic groups hold 30 cabinet seats, compared with 18 cabinet positions held by members of the President's ethnic group.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights monitoring groups generally have considerable latitude to operate. A large number of independent human rights monitoring groups exist, although the activities of virtually all are limited by a shortage of funds and trained personnel. The Government did not formally prevent human

rights monitors from operating. In the past, the Government used its authority to approve or withhold official recognition of NGO's, but there have been no recent cases in which such recognition was withheld. However, Government officials repeatedly impeded the effectiveness of human rights NGO's by limiting access to prisoners, by refusing to share information, and increasingly by threatening and using violence against personnel of human rights NGO's (see Sections 1.c. and 1.d.).

Domestic human rights NGO's include the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, the Cameroonian Association of Female Jurists, the Cameroonian Association for Children's Rights, Conscience Africaine, the Movement for the Defense of Human Rights and Liberties (MDHRL), the Human Rights Defense Group, the National Association of Nontribalists and Nonracists, the Committee of Action for Women's and Children's Rights (CADEF), the Human Rights Clinic and Education Center, the Association of Women against Violence, the Cameroon National Association for Family Welfare (CAMNAFAW), Tribes Without Frontiers (TSF), the Association for the Promotion of Communal Initiatives, and the League for Rights and Freedoms (LDL). A number of these groups issued press releases or reports detailing specific human rights violations. Many held seminars and workshops on various aspects of human rights.

In 1999 the Government generally cooperated with the U.N. Special Rapporteur for Human Rights on a visit to the Far North Province, but Colonel Pom's special antigang gendarmerie unit denied him access to its holding cells (see Section 1.c.). In 1999 the Government allowed the ICRC, for the first time in 7 years, to generally have unrestricted access to all prisons and detention places and to hold private discussions with inmates.

The governmental NCHRF, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials, security personnel, and other government officers. Although the Commission infrequently condemned the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights harassment by security forces, attempted to stop Friday arrests (see Section 1.d.), and attempted to obtain medical attention for jailed suspects in specific cases. The law prohibits the NCHRF from publishing information on specific human rights cases. However, it may and does submit reports on specific alleged abuses to the government authorities directly involved, along with recommendations for improving conditions or punishing violators. During the year, the NCHRF sent teams to Douala to investigate allegations of extrajudicial killings by the Operational Command (see Section 1.a.). Although the Commissioner sent two reports to the President and the Prime Minister, there are no plans to release the reports publicly.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution does not explicitly forbid discrimination based on race, language, or social status. The Constitution prohibits discrimination based on sex and mandates that "everyone has equal rights and obligations," but the Government does not enforce these constitutional provisions effectively.

*Women.*—Violence against women remains high. Women's rights advocates report that the law does not impose effective penalties against men who commit acts of domestic violence. There are no genderspecific assault laws, despite the fact that women are the predominant victims of domestic violence. Spousal abuse is not a legal ground for divorce. In cases of sexual assault, a victim's family or village often imposes direct, summary punishment on the suspected perpetrator through extralegal means ranging from destruction of property to beating. While there are no reliable statistics on violence against women, the large number of newspaper reports, which observers believe are a fraction of actual incidents indicates that it is widespread.

Despite constitutional provisions recognizing women's rights, women do not, in fact, enjoy the same rights and privileges as men. Civil law theoretically provides equal status and rights for men and women; however, no legal definition of discrimination exists, and some points of civil law are prejudicial to women. The 1981 Civil Code allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family. While the law gives a woman the freedom to organize her own business, the Commercial Code allows a husband to end his wife's commercial activity by notifying the clerk of the commerce tribunal of his opposition based upon the family's interest. Partly for this reason, some employers require a husband's permission before they hire a woman. Polygyny is permitted by law and tradition, but polyandry is not. In cases of divorce,

the husband's wishes determine the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted without respect to venue.

Civil law offers a more equal standard than customary law, which is far more discriminatory against women, since in many regions a woman customarily is regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often are not respected. Despite the law that fixes a minimum age of 15 years for a bride, many girls are married off by their families by the age of 12. In the customary law of some ethnic groups, husbands not only maintain complete control over family property, but also can divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Traditional law normally governs the extent to which a woman may inherit from her husband in the absence of a will, and customs vary from group to group. In many traditional societies, custom grants greater authority and benefits to male than to female heirs. Another problem facing women is forced marriage; in some regions, girls' parents can and do give them away in marriage without their consent. Often, the husband, who is sometimes many years older than the girl, pays a bride's parents a "bride price." Since a price has been paid, the girl is considered the property of the husband. When a married man dies, his widow often is unable to collect any inheritance, since she herself is considered part of the man's property. Often the widow is forced to marry one of the deceased's brothers. Refusal means that she must repay the bride price in full (she usually has no source of funds) and leave the family property. In the northern provinces, some Lamibe (traditional rulers) reportedly prevent their wives and concubines from leaving their palaces. The lack of a national legal code covering the family leaves women defenseless against male-oriented customs.

*Children.*—The Constitution provides for a child's right to education, and schooling is mandatory through the age of 14. After almost a decade of budget cuts for education, the Government took measures during the year to improve access to schools. In February President Biya announced the elimination of tuition fees for public elementary schools. In June the National Assembly passed a budget bill that increased spending on national education by 49 percent. Nonetheless, education spending during the 1999/2000 fiscal year was only approximately 2 percent of GDP. Since parents must pay uniform and book fees for primary school, and because tuition and other fees for secondary education remain even more costly, education remains unaffordable for many children. According to 1998 Government statistics, approximately 3.5 million children, about 81 percent of all children, were enrolled in school. In practice although not in law, girls suffer from discrimination in access to education. The gap in school attendance rates between boys and girls is 9 percent nationally and 14 percent in the three northern provinces. This problem, which is especially acute in rural areas, results in higher levels of illiteracy among women than among men. According to a 1995 study by a U.N. agency, the adult literacy rate was 75 percent for men but only 52 percent for women. In addition fewer girls are found at higher levels of education; according to a 1992 study by the Ministry of Women's Affairs, women made up only 23 percent of postsecondary students.

While the Government has closed unlicensed primary and secondary schools in the past, there were no reports of such closings this year.

Female genital mutilation (FGM), which has been condemned by international health experts as damaging to both physical and psychological health, is not practiced widely, but it is traditional and continues to be practiced in some areas of Far North and Southwest Provinces. It includes the most severe form of the abuse, infibulation, and usually is practiced on preadolescent girls. The Government has criticized the practice; however, no law prohibits FGM.

The degree of familial child abuse is not known but is one of several targeted problems of children's rights organizations. During a crime wave in the country's largest cities of Yaounde and Douala, newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning newborns in streets, garbage cans, and pit toilets. The Yaounde-based Center for Helpless Children, created by the Minister of Social Affairs in 1997, currently harbors 24 abandoned or abused children, only a fraction of the suspected cases of abuse, abandonment, or neglect.

Reports also indicate an alarming trend in the country's prisons of incarcerating juvenile offenders with adult prisoners, occasionally in the same cells or wards (see Section 1.c.). There are credible reports of sexual abuse of juvenile prisoners by adult inmates. The law specifies that children should not be detained without trial beyond 3 months after an investigation, but the Government detains children for longer periods of time. In June press sources indicated that between 34 and 38 chil-



dren are detained in the Douala New Bell Prison. Some children (particularly infants) are jailed with their detained mothers.

There were reports of forced child labor, child prostitution, and trafficking in children during the year (see Sections 6.c., 6.d., and 6.f.).

*People with Disabilities.*—A 1983 law and subsequent implementing legislation provide certain rights for persons with disabilities. These include access to public institutions, medical treatment, and education. The Government is obliged to bear part of a disabled person's educational expenses, to employ disabled persons where possible, and, as necessary, to provide them with public assistance. However, these rights in fact rarely are respected. There are few facilities for disabled persons and little public assistance of any kind. Lack of facilities and care for the mentally disabled is particularly acute. In recent years, the Government reportedly has reduced the share of its expenditures that benefit disabled persons and has terminated subsidies to NGO's that help disabled persons. Society tends to treat the disabled as tainted, leaving churches or foreign NGO's responsible for providing assistance. However, there is no widespread societal discrimination against the disabled. The law does not mandate special access provisions to buildings and facilities for the disabled.

*Indigenous People.*—A population of perhaps 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily reside in the forested areas of the South and East provinces, of which Pygmies were the earliest known inhabitants. While no legal discrimination exists, other groups often treat Pygmies as inferior and sometimes subject them to unfair and exploitative labor practices. There have been credible reports of Pygmies being forced out of their homes by logging companies and security forces. There continued to be reports that Pygmies complain that the forests they inhabit are being logged without fair recompense for the negative consequences suffered by the Pygmies of the region. Some observers believe that sustained logging is destroying the Pygmies' unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems into a more rigid modern society similar to their Bantu neighbors. Some local activists also criticized possible effects from the Chad-Cameroon pipeline on nearby pygmy settlements.

*Religious Minorities.*—Approximately 40 percent of the population are at least nominally Christian, about 20 percent are at least nominally Muslim, and about 40 percent practice traditional indigenous religions or no religion. Of Christians, approximately half are Catholics, and about half are affiliated with Protestant denominations. Christians are concentrated chiefly in the southern and western provinces; the two Anglophone provinces of the western region largely are Protestant; and the Francophone provinces of the southern and western regions largely are Catholic. Muslims are concentrated mainly in the northern provinces, where the locally dominant Fulani (or Peuhl) ethnic group is overwhelmingly Muslim, and other ethnic groups, known collectively as the Kirdi, generally are partly Islamicized. The Bamoun ethnic group of the western provinces is also largely Muslim. Traditional indigenous religions are practiced in rural areas throughout the country but rarely are practiced publicly in cities, in part because many such religions are

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Members of President Biya's Bulu ethnic group and of closely related Beti groups of southern parts of the country are represented disproportionately and hold key positions in government, the civil service, state-owned businesses, the security forces, the military, and the ruling CPDM party. The large size and centralized character of the public sector has long been perceived widely to favor these groups. Prospective economic and political liberalization is widely perceived as being likely to harm these groups, and to favor other groups, such as the large Bamileke and Anglophone ethnic-cultural groups of the west, whose members tend to be more active in private commerce and industry and have tended to support the SDF since the legalization of opposition parties. Since 1990 natives of the two Anglophone provinces, the Northwest and Southwest Provinces, have suffered disproportionately from human rights violations committed by the Government and its security forces (see Sections 1.c., 1.d., and 1.e.); have been underrepresented in the public sector; and generally believe that they have not received their fair share of public sector goods and services. Since the flawed 1992 presidential election (see Section 3), many residents of the Anglophone region have sought to achieve greater freedom, greater equality of opportunity, and better government, at least partly by regaining regional autonomy rather than through nationwide political reform. They have formed several quasipolitical organizations to pursue that goal.

At least one Anglophone group, the SCNC, advocates secession from the country. Subsequent to SCNC secessionist incidents in 1999, such activity calmed considerably during the year; however, the Government continued to hold some SCNC activists or suspected SCNC supporters in jail without trial (see Sections 1.c., 1.d., and 1.e.). The opposition SDF party (whose base of support rests in the Anglophone provinces) reiterated its commitment to pursuing nonviolent political struggle to restore a federal republic.

Northern areas of the country suffer from ethnic tensions between the Fulani (or Peuhl), a Muslim group that conquered most of the region 200 years ago, and the "Kirdi," the descendants of diverse groups who then practiced traditional indigenous religions and whom the Fulani conquered or displaced, justifying their conquest on religious grounds. Although some Kirdi subsequently have adopted Islam, the Kirdi remain socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. Traditional Fulani rulers (Lamibe) continue to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor (see Section 6.c.). The slavery still practiced in northern parts of the country is reported to be largely enslavement of Kirdi by Fulani. Although the UNDP party is based largely in the Fulani community, the ruling CPDM party has long been perceived widely to represent Fulani as well as Beti-Bulu interests.

During the 1990's, local-language broadcasts by government-controlled regional radio stations in southern areas of the country, as well as private French-language newspapers with close ties to leading government and CPDM figures, broadcast or printed anti-Bamileke and anti-Anglophone commentaries; however, there were no reports of these types of commentaries during the year.

Members of the country's large community of Nigerian immigrants often complain of illegal discrimination and even persecution by elements of the Government (see Section 2.d.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1992 Labor Code allows workers to form and join trade unions of their choosing. The Labor Code requires that unions register with the Government; it permits groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and non-conviction certifications for each of the 20 founding members. For unions in the private sector, the Government requires registration with the Ministry of Labor, Employment, and Social Insurance. Unions for public sector workers must register with the Ministry of Territorial Administration. The law does not permit the creation of a union that includes both public and private sector workers. The Government indicated that it remits certification within 1 month of union application; however, in practice, independent union especially in the public sector, have found it difficult to obtain registration. In addition the requirement for union registration apparently contradicts ILO Convention 87, to which the country signed and agreed in 1960, and which states that unions have the right to exist through declaration, not through Government recognition or registration. Registered unions are subject to Government interference. The Government chooses the unions with which it will bargain; some independent unions have accused the Government of creating small, non-representative unions amenable to the Government position and with which it can negotiate. Some sec-

tions of the Labor Code have never taken effect because the presidency has not issued implementing decrees.

There are two trade union confederations. Until 1995 the sole labor confederation was the Confederation of Cameroonian Trade Unions (CCTU), formerly affiliated with the ruling CPDM party under another name (the Organization of Cameroonian Trade Unions). In 1995 the Government encouraged the creation of a new labor confederation, the Union of Free Trade Unions of Cameroon (USLC), with which it maintains close ties. This move was seen as an effort by the Government to create a rival trade union confederation more firmly under its control. In 1997 the CCTU, government control of which had been eroding since large public sector salary cuts in 1993, split into two rival factions, and the Government banned a conference by the CCTU's reformist faction, led by Benoit Essiga. A CCTU Congress held in April 1999, which was attended by international observers and held under the auspices of the International Labor Organization (ILO), elected the reform faction slate of candidates to the CCTU leadership positions. However, the losing faction did not accept the results and continues to claim that it is the real CCTU. The Ministry of Labor, Employment, and Social Insurance has stated that it will not recognize the new CCTU leadership as long as another CCTU faction uses the same name. In September 1998, the new CCTU leadership took their case to court and won; however, the Ministry of Labor, Employment, and Social Insurance continues to withhold official status. Other ministries within the Government informally recognize the new CCTU leadership and include them in appropriate seminars and invitations. In a February press conference and an August "unity" conference, the Ministry of Labor, Employment, and Social Insurance appeared to back publicly the losing CCTU faction at the expense of the reformist faction. However, a court declared the August unity conference, attended by 400 people, illegal, stating that only the reformist faction of the CCTU had the power to convoke such a conference.

The Labor Code explicitly recognizes workers' right to strike, but only after mandatory arbitration. Arbitration proceedings are not enforceable legally and can be overturned or simply ignored by the Government. The Labor Code provides for the protection of workers engaged in legal strikes and prohibits retribution against them. However, these provisions of the Labor Code do not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants are required to negotiate grievances directly with the minister of the concerned department and with the Minister of Labor.

During the year, labor unrest continued. There were strikes by workers in the privatized railroad company Camrail, the sugar producing company of Camsuco, the cotton producing company of Cicam, as well as strikes by some elementary and secondary school teachers and employees of the Douala Municipal Council. The National Autonomous Union of Telecommunications Workers (SYNATTEL) also discussed and negotiated salary and benefit issues, despite the Government's argument that it had not obtained full legal recognition.

The CCTU is a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC is a member of the Organization of African Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code provides for collective bargaining between workers and management in workplaces, as well as between labor federations and business associations in each sector of the economy; however, no formal collective bargaining negotiations have taken place since 1996. When labor disputes arise, the Government chooses which labor union to invite into the negotiations, selectively excluding some labor representatives. Once agreements are negotiated, there is no mechanism to enforce implementation; some agreements between the Government and labor unions have been shelved or ignored by the Government after being negotiated. The Labor Code prohibits antiunion discrimination, and employers guilty of such discrimination are subject to fines of up to an amount equivalent to approximately \$1,600 (1 million CFA). However, employers found guilty are not required to compensate the workers against whom they discriminated, or to reinstate fired workers. The Ministry of Labor has reported no complaints of such discrimination during recent years; however, one organizer of the Union for Telecommunications Workers claims that his state-owned company demoted him due to his union activism.

In November the Prefet of Dschang arrested two union leaders university professors trying to organize the University of Dschang allegedly because of an unsigned labor agreement (see Section 1.d.); ten others also were questioned. They were released the next day. There is an industrial free trade zone regime, but the Government did not grant approval to any firms to operate under it during the year. Free trade zone employers are exempt from some provisions of the Labor Code but must respect all internationally recognized worker rights.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and the Labor Code prohibit forced or compulsory labor; however, it occurs in practice. The authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works. Forced or bonded labor by children is not prohibited specifically, and there were reports that it occurs in practice (see Sections 5 and 6.f.).

On August 24, gendarmes released Bassy Okon Edet, a Nigerian fisherman, after a 7-day incarceration (see Section 1.d.). Edet claims that the gendarmes forced him to do labor during his incarceration.

There were credible reports that slavery continued to be practiced in northern parts of the country, including in the Lamidat of Rey Bouba, a traditional kingdom in the North Province (see Section 5). In the South and East Provinces, some Baka (Pygmies), including children, continued to be subjected to unfair and exploitative labor practices by landowners, such as working on the landowners' farms during harvest seasons without payment (see Section 5). There were reports of trafficking in children (see Sections 5 and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—A 1969 Ministry of Labor order and the 1992 Labor Code provide the legal framework for the protection of children in the field of labor and education, and specify penalties ranging from fines to imprisonment for infringement of the law. In April 1998, the National Assembly authorized President Biya to ratify ILO Convention 138 regarding to employment of children; however, the President has not signed the bill. Article 86 of the Labor Code and the Ministerial Order both set the minimum age for the employment of children at 14. The Ministerial Order also bans night work and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18. These tasks include moving heavy weights, dangerous and unhealthy tasks, working in confined areas, or tasks that could hurt a child's morality. The order also states that a child's workday cannot exceed 8 hours. In order to improve knowledge and education of children between the ages of 14 and 18, employers are required to train them. To this end, work contracts must contain a training provision for these minors. The law prohibits children from working before 6 a.m. or after midnight, though enforcement of this law is inefficient.

According to an ILO study conducted during the year in conjunction with local NGO's and the Ministry of Labor, child labor remains a serious problem, although the Government has made some progress to address it. The ILO estimates there are 602,000 child laborers. In the nation's major cities of Yaounde, Douala, and Bamenda, from March to April, the ILO estimated that 40 percent of employed children were female, 7 percent were less than 12 years of age, and 60 percent had dropped out of primary schools. Primary education is compulsory through the age of 14, but the relatively high cost for school precludes many children from attending.

The Ministry of Social Affairs and the Ministry of Labor are responsible for enforcing existing child labor laws through site inspections of registered businesses; however, lack of resources inhibits an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances are beyond a child's capacity to do. According to the ILO study, child labor in cities exists mainly in the informal sector such as street vending and car washing or other non-qualified jobs. An increasing number of children work as household help, and some children are involved in prostitution. In the north of the country, there are credible reports that children from needy homes are placed with other families to do household work for money.

In rural areas, many children begin work at an early age on family farms. Often, relatives employ rural youth, especially girls, as domestic helpers, while many urban street vendors are less than 14 years of age.

The Government is a signatory to ILO Convention 182; however, the National Assembly had not ratified the convention by year's end.

Forced or bonded labor by children is not prohibited specifically, and there were reports that it occurs in practice (see Section 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—Under the Labor Code, the Ministry of Labor is responsible for setting a single minimum wage applicable nationwide in all sectors. The minimum wage is approximately \$40 (23,514 CFA) per month. It does not provide a decent standard of living for an average worker and family.

The Labor Code establishes a standard workweek of 40 hours in public and private nonagricultural firms, and 48 hours in agricultural and related activities. The code makes compulsory at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards, and Ministry of Labor inspectors and occupational health doctors are responsible for monitoring these standards; however, they lack the resources for a comprehensive inspection program. There is

no specific legislation permitting workers to remove themselves from dangerous work situations without jeopardy to continued employment.

*f. Trafficking in Persons.*—The Penal Code provides that any person who engages in any trafficking in persons shall be punished with imprisonment of from 10 to 20 years and that the court may also impose a forfeiture penalty. Trafficking is a problem, and an ILO report during the year pinpointed trafficking in children as especially serious.

An ILO study conducted in March and April in Yaounde, Douala, and Bamenda revealed that trafficking accounted for 84 percent (or approximately 530,000) of an estimated 610,000 child laborers (see Sections 5 and 6.c.). In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or training. The intermediary paid parents an average of \$8 (6,000 CFA) before taking the child, transporting the child to the city where the intermediary would subject the child to forced work for remuneration which was far below the minimum wage level. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that the country is a transit country for regional traffickers as well, transporting children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the Central African Republic.

While there has been no study on trafficking in persons besides children, anecdotal evidence from the NCHRF indicates that there may also be some trafficking in adults, primarily women, as well. No NGO's were known to be working to reduce trafficking in persons.

The Government has condemned the practice of trafficking in persons, and the Ministry of Labor, Employment, and Social Insurance is responsible for fighting trafficking. However, that ministry is severely under-funded, and there are no known cases of prosecution of traffickers or protection of victims.

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## CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared between the elected Head of State, President Antonio Mascarenhas Monteiro, an independent; the Head of Government, Prime Minister Carlos Wahnnon Veiga; and Veiga's party, the Movement for Democracy (MPD). The MPD has an absolute majority in the National Assembly, although a disagreement within the top levels of the MPP during the year resulted in a split within the party and the formation of a new party. The principal opposition party, the African Party for the Independence of Cape Verde (PAICV), held power in a one-party state from independence in 1975 until 1991. National elections are scheduled for January and February 2001. The judiciary is independent; however, there were accusations of politicized and biased judicial decisions.

The Government controls the police, which has primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

Cape Verde has a market-based economy but little industry and few exploitable natural resources. Based on 1998 data, the per capita income is \$1,312. The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. Even in years of optimum rainfall, the country can produce food for only 25 percent of the population of approximately 435,000 persons, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were a number of credible reports of police abuse, including beatings, of citizens detained on suspicion of criminal activity. While in principle the law and the judiciary provide means to deal with isolated instances of abuse, in practice the Government has not held accountable police officers who were credibly accused of human rights abuses. There were reports that immigration authorities harassed Nigerian citizens. Prison conditions are poor. The judicial system is overburdened, lengthy delays in trials are common, and there continued to be accusations of politicized and biased judicial decisions. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Revisions of the Constitution in 1999 created an independent ombudsman. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to ameliorate these problems, it failed to adopt, implement, and enforce policies de-

signed to address the most critical challenges. There were reports of trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, but there was one credible report that police beat a detainee on Sal Island in August; at year's end, no action had been taken against the police. While mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms neither ensure the punishment of all of those responsible nor effectively prevent future violations. In addition in some instances of violence against women, the police did not protect the victims effectively (see Section 5). There were reports that immigration authorities harassed Nigerian citizens (see Section 2.d.).

Prison conditions are poor, and they are severely overcrowded; however, there were no reports of prison deaths. The President's amnesty did not reduce the overcrowding. Sanitation and medical assistance is poor; a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems were common. Although women and men are held separately, juveniles are not held separately from adults.

According to a study by the Ze Moniz Association (AZM), there were reports that guards abused female prisoners.

The Government permits both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, other than the AZM study there were no visits by human rights groups.

*d. Arbitrary Arrest, Detention, or Exile.*—The laws provide for protection from arbitrary arrest and detention, and the authorities generally observe these laws in practice. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. In 1999 the Government revoked a provision that allowed authorities to detain a person for up to 5 days in exceptional cases.

The courts have jurisdiction over state security cases. There is a functioning system of bail.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for a judiciary independent of the executive branch, and the Government respects this provision in practice; however, there continued to be accusations of politicized and biased judicial decisions. In July 1999, a prosecutor dismissed a case against four persons associated with the main opposition party who had been arrested for church desecration in 1996. In 1998 a judge ordered their release from detention because of lack of evidence. The Attorney General refused to confirm the prosecutor's decision and declared that the case should await better proof that the persons were not culpable (see Section 5). At year's end, the case remained pending.

The judicial system is composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one is appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council, created by the 1999 revision of the Constitution, consists of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges are independent and may not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice does not have judicial powers; such powers lie with the courts. Defendants may appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial is constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely leads to trial delays of 6 months and more.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for the freedom to express ideas by words, images, or any other means, and for freedom of the press without censorship; however, although the Government generally respected these rights in practice, there were some restrictions on press freedom. There is a substantial and growing independent press. Nevertheless, there was continued criticism by independent political figures of the performance of the state-controlled television, radio, and print media for their failure to exercise vigorously their monitoring role in a multiparty system. In several instances, persons in the media (and other sectors) whose views did not coincide with those of the Government and the ruling party were transferred, fired, or subjected to other disciplinary actions; the Government does not acknowledge that the divergence of views was the reason for such actions. There continued to be reports of media self-censorship.

The constitutional provision of freedom of expression was amended in 1999, to exclude using this freedom as a defense in cases involving defamation or offense to personal honor. This wording was criticized strongly by opposition politicians and some journalists as potentially limiting the freedom of expression; however, at year's end, no legal challenge had been made to the provision.

There are three independent newspapers and one state-owned newspaper. There are six independent radio stations and one state-owned radio station. One television station is state-owned and two others are foreign-owned. Foreign broadcasts are permitted. Journalists are independent of government control and are not required to reveal their sources; however, there are credible reports that journalists within the government-controlled media still practice self-censorship. In November opposition party members demonstrated in Praia against what they considered to be MPD control of the public media.

Government authorization is not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts.

The Government did not restrict Internet access. There was a single, private sector Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability of electricity and telephone lines in isolated parts of the country.

The Constitution provides for academic freedom, and this right is respected in practice.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly, and the Government respected this right in practice. Throughout the year, labor organizations, opposition political parties, civic action groups, and numerous others exercised this right without government interference or objection.

In July students demonstrated in front of government offices in Praia to protest the requirement that they pass an achievement examination before receiving government scholarships. The demonstrations initially were peaceful, but they became violent when students blocked off main roads with burning tires; police fired into the air to disperse the demonstrators. There were no reported injuries.

The Constitution provides for freedom of association, and the Government respected this right in practice.

*c. Freedom of Religion.*—Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The overwhelming majority (more than 90 percent) of citizens are at least nominally Roman Catholic. It generally is recognized that the Catholic majority enjoys a privileged status in national life; for example, the Government provides it with free television broadcast time for religious services and observes its holy days as official holidays.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides citizens with the right to travel and establish residence without government restrictions.

The Constitution provides for repatriation, and the Government respected this right in practice.

The Constitution provides for the right of asylum by refugees, and no violations were reported. The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. According to the U.N. Human Rights Commission, credible media reports, and government officials, Nigerian citizens have been subjected to harassment and prejudice by immigration authorities. The Government has not reviewed charges of misconduct by immigration officials. Nigerians alleged that they have been subjected to discriminatory treatment by Government officials; however, some Nigerians were illegally present in the country or convicted of crimes. Other observers reported no evidence of a government policy of discrimination against Nigerians. Three or four Basque separatist asylees remained in the country; there are no refugees.

The Government has not formulated specific policies regarding refugees or first asylum, and the issue of first asylum has never arisen.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the right to change their government. Power was transferred peacefully by the PAICV to the MPD following free and fair elections in 1991; a second general election in 1995 and municipal and presidential elections in 1996 also were judged free and fair by international observers. National elections are scheduled to be held on January 14 and February 11, 2001.

The Constitution provides for the separation of powers. Cabinet ministers are not required to be members of the National Assembly, but they are individually subject to confirmation by the President. Collectively, they must retain the support of a parliamentary majority. The President may dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consists of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President.

In November 1999, a disagreement within the top levels of the MPD ended cooperation between the party's factions, and the group that controlled the party bureaucracy dismissed a number of dissident ministers and senior officials from the Government. Those who were dismissed claimed that they could not get a fair hearing for their views and formed a new political party, the Partido da Renovacao Democratica (PRD), which was legalized on October 25.

There are no restrictions in law or practice regarding the rights of women or members of minorities to vote or to participate in the political process; however, women are underrepresented in government and politics. Women constitute 11 percent of the deputies elected to the 72-member National Assembly. There are 2 female cabinet ministers and 3 female secretaries of state (junior ministers) in a cabinet consisting of 14 ministers and 6 secretaries of state.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are two private human rights groups, the National Commission of the Rights of Man and the Ze Moniz Association. During 1999 a foreign government financed a professional study of prison conditions by the Ze Moniz Association, which was released to the Government and the public in September. The Government cooperated with the researchers who prepared the report and, upon its publication, expressed interest in using the report to help formulate new laws and regulations; however, no action had been taken by year's end.

The post of an independent Ombudsman, to be elected by the National Assembly, was created by the 1999 revision of the Constitution. The Ombudsman's powers remained undefined at year's end, and no Ombudsman has been elected.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increasing efforts to enforce all relevant constitutional provisions, it still does not do so effectively, and not all elements of society, particularly women and children, enjoy full protection against discrimination.

*Women.*—Domestic violence against women, including wife beating, remains common. The Government and civil society encourage women to report criminal offenses such as rape and spousal abuse to the police; however, longstanding social and cultural values inhibit victims from doing so, and according to the media, such reports remain rare. Nevertheless, reporting of such crimes to police slightly increased dur-



ing the year, and the media continued to report their occurrence. Women's organizations continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving the required legislation.

Violence against women has been the subject of extensive public service media coverage in both government—and opposition—controlled media. In 1998 the Parliament revised the Penal Code, widening the scope of sexual abuse and strengthening penalties against abusers.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often are paid less than men for comparable work, women are making modest inroads in various professions especially in the private sector. However, some employers continued to claim that they prefer to hire men.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women are unaware of their rights. Women often are reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there is disparate treatment in inheritance matters, despite laws that call for equal rights. For example, some women are pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In July a group of female attorneys formed the *Assoiagao Caboverdiana das Mulheres Juristas*, an association whose purpose is to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

*Children.*—The Government updated its studies of social policy priorities and legal rights for children and adolescents and, during the year, it restructured the Cape Verdean Institute for Children in accordance with norms established in the Convention on the Rights of the Child. The Government provides free mandatory education for 6 years of primary school for all children. Normally this benefit covers children from age 6 to 12. Education is compulsory until age 16; however, secondary education is free only for children whose families have an annual income below approximately \$1,700 (160,000 escudos). According to 1998 UNICEF statistics, primary school attendance is approximately 97 percent for children. Attendance rates by boys and girls differ by less than 1 percent. The Government also seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution are continuing but isolated problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

*People with Disabilities.*—Although the Constitution mandates “special protection” for the aged and disabled, the Government does not require access to public buildings or services for the disabled. There are no official schools or trained teachers for the disabled, although several nongovernmental groups, including an association for the blind, are active.

*Religious Minorities.*—More than 20 cases involving the desecration of Catholic churches have been reported to the police over the years. While some cases date from 1975, after 1990 the rate of incidence increased; however, in contrast to previous years, there were no incidents during the year. The persons responsible for the desecrations never were identified, and the topic has remained a controversial electoral issue since the MPD accused supporters of the main opposition party PAICV of involvement in the crimes; however, the courts have dismissed every formal accusation that has been brought against PAICV members, usually for lack of evidence. In August 1999, the Attorney General rejected a local prosecutor's dismissal of the case against the four individuals of the “S. Domingos Group,” who were accused of desecrating a Catholic church in 1996 (see Section 1.e.), and no further action was taken during the year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides that workers are legally free to form and join unions without government authorization or restriction. There are two umbrella union associations: The Council of Free Labor Unions, composed of 11 unions with about 14,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operating independently, composed of 14 unions with about 16,000 members. The Government does not interfere with the activities of these organizations, but the National Union of Cape Verde Workers

claims that it received less than its share of funds for unions. Both unions suffer from a shortage of funds.

The Constitution provides union members with the right to strike, and the Government generally respects this right. However, in July and August 1999, the workers of the shipping company Arca Verde made two attempts to strike. The Government invoked a "civil request," under which it has the power, in an emergency or if a strike threatens coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's "civil request," the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the "minimum services list" that it presented to the Government would have ensured the continuation of essential services of public interest. The union presented the case to the International Confederation of Free Trade Unions, which in August 1999 filed a complaint against the Government with the International Labor Organization (ILO). At year's end, the complaint remained unresolved.

In its November report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in April 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, in particular with regard to time. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be respected during strikes, this difference of opinion is resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

The law requires an employer either to reinstate a worker fired unjustly or to provide financial compensation. This law is enforced in practice.

There were a number of strikes during the year, including a 3-day strike by firemen in Praia in February demanding wages equivalent to those of the police and a 2 day strike by teachers in November to protest delays in the payment of their salaries. There also were strikes by undergraduate students in November and meteorology workers in December; however, neither of the strikes resulted in concessions to the strikers.

In 1999 the ILO invited the Government to contest a case presented by the labor union UNTO-CS regarding the arrest of two of its activists in connection with a demonstration in 1998. The Government contested the case in July, and the ILO requested that the Government revise its legislation to permit an independent agency to resolve disputes concerning the provision of minimum services during a strike. During the year, the Government took no action to revise its legislation; however, it did not prosecute persons who struck without providing "minimal services" such as the strike by firemen in February.

Unions are free to affiliate internationally and have ties with African and international trade union organizations.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts. Workers and management in the small private sector, as well as in the public sector, reach agreement through collective bargaining. Although there are no collective labor contracts, workers succeeded in collectively negotiating important issues such as salary increases. However, as the country's largest employer, the Government continued to play the dominant role in setting wages. It does not fix wages for the private sector, but salary levels for civil servants provide the basis for wage negotiations in the private sector. There are no collective bargaining agreements.

A 1991 legislative decree bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Praia has a 30-acre export processing zone, which houses two Portuguese companies and a Cape Verdean-Sengalese joint venture. There are no special laws or exemptions from regular labor laws for such zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law forbids forced or compulsory labor, and it is not known to occur.

The Government prohibits forced and bonded labor by children, and enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products are produced; but the Government rarely enforces the law. In practice

the Ministry of Justice and Labor enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

The Government has taken no action on ILO Convention 182 on the worst forms of child labor.

*e. Acceptable Conditions of Work.*—There are no established minimum wage rates in the private sector. Large urban private employers link their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (11,193 escudos) per month. The majority of jobs pay wages insufficient to provide a worker and family with a decent standard of living; most workers also rely on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults is 44 hours. While large employers generally respect these regulations, many domestic servants and agricultural laborers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and imposes fines on private enterprises that are not in conformity with the law. However, the Government does not enforce labor laws systematically, and much of the labor force does not enjoy their protection. Few industries employ heavy or dangerous equipment, and work-related accidents are rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardy to continued employment.

*f. Trafficking in Persons.*—There is no law addressing trafficking in persons. Illegal trafficking in emigrants to various points in Europe is believed to be a thriving business, with the country as a transit point; it has become a concern for local authorities. Several notices in the press report that the police have arrested some persons, traffickers as well as victims. During the year, cases involved fewer than 30 persons. The Government is cooperating with European authorities, neighboring governments, and embassies to counter the problem.

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## CENTRAL AFRICAN REPUBLIC

The Central African Republic is a constitutional democracy with a multiparty legislature. Ange Felix Patasse, leader of the Movement for the Liberation of the Central African People (MLPC), who first was elected president in 1993, was reelected with a narrow majority in 1999. The 1999 presidential election, like National Assembly elections held in late 1998, generally was free but was controlled by the Government and was marred by irregularities that tended to favor the ruling party candidate. Although the Constitution provides for separation of powers, the legislature is vulnerable to manipulation by the President, who dominates the Government. The president can veto legislation, although two-thirds of the unicameral legislature can override his veto, and he can rule by decree under special conditions. The Constitution provides for an independent judiciary; however, it is subject to executive interference.

The National Police under the direction of the Ministry of Interior and Public Security, and the military forces and the national gendarmerie under the Ministry of Defense, are responsible for presidential security and share responsibility for internal security. On January 26, President Patasse issued a decree which dissolved the Special Forces for the Defense of the Democratic Institutions (FORSDIR), the body responsible for internal security, and replaced them with the Special Presidential Unit (USP). The decree also decreased the number of presidential security forces from approximately 1,200 to approximately 400, and placed them under the full control of the Ministry of Defense. The integration of USP/FORSDIR into the military was completed by March; however, some remaining components of the decree were not implemented fully by year's end. The military, much of which mutinied in 1996-97, is widely perceived to be of doubtful loyalty to the Patasse Government, and implementation of government plans to reduce its size have been delayed by lack of funds for severance pay and pensions. MINURCA, a 1,350-person peacekeeping force, was deployed by the United Nations Security Council in 1998, with a mandate to assist national security forces in maintaining law and order, to strengthen the national reconciliation process, to maintain a climate of security and stability during the legislative and presidential elections, and to facilitate the disarmament process. In December 1999, MINURCA began to withdraw its forces over a 3-month period; the withdrawal was completed by February. The domestic security forces, and the USP in particular, continued to commit serious human rights abuses.

The country is landlocked and sparsely populated. The majority of the population is engaged in subsistence agriculture. Principal exports are coffee, cotton, timber, tobacco, and diamonds. Annual per capita gross domestic product decreased from an estimated \$330 in 1999 to an estimated \$273 (CFA 206,388). Foreign assistance is an important source of national income. Salary arrears continued during the year for civilian employees and the military. The arrears continued to impair the functioning of the Government and the authority of the state to enforce the rule of law. The misappropriation of public funds and corruption in the Government diminished in comparison to previous years, but remained widespread; the decrease contributed to an increase in the country's revenue. The country suffered a major fuel shortage from May to July, which initially was provoked by the unauthorized use of the country's fuel reserves that were stored in neighboring Democratic Republic of the Congo (DRC). The civil war in the DRC also impeded the safe passage of fuel by river into the country, which negatively impaired the economy.

The Government's overall human rights record remained poor, with serious problems in many areas and deterioration in others. Citizens generally were able to choose their national government; however, the Government controls the electoral process. Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the presidential guard. There also were credible reports of deaths of prisoners due to police abuse. Police continued to torture, beat, and otherwise abuse suspects and prisoners. Other human rights abuses included harsh prison conditions; arbitrary arrest and detention; prolonged detention without trial; limits on judicial independence; and infringements on citizens' right to privacy. The Government restricted freedom of the press and freedom of assembly and association. There were some limits on freedom of religion and some limits on freedom of movement. Violence and discrimination against women; female genital mutilation (FGM); child prostitution; discrimination against indigenous people (Pygmies); and child labor, including instances of forced child labor, continued to be problems.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including*

###### *Freedom From*

*a. Political and Other Extrajudicial Killing.*—Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the presidential guard. There also were credible reports of deaths of prisoners due to police abuse.

A special police Squad for the Repression of Banditry (OCRB), formed in response to the spread of armed robbery throughout Bangui following the military mutinies of 1996 and 1997, continued to operate. The police commissioner continued repeatedly to publicize on radio and television the crimes of criminals apprehended by this squad; the OCRB executed these criminals the following day without a trial. Extrajudicial killings by the OCRB reportedly declined from over 100 in 1998 to fewer than 6 during the year, according to BONUCA, the U.N. peace-building office in Bangui. Joseph Bindoumi, the country's chief prosecutor, indicated that he has no records regarding the activities or detainees of this police squad. Medical staff have confirmed that the OCRB often takes the bodies of persons it has executed to the hospital and leaves them for the family to pick up. The OCRB's use of extrajudicial killing has both official Government and popular support, and is seen as an effective means of reducing crime and increasing public security. The Government tacitly approved the actions taken by the police squad to reduce armed robbery; it never has prosecuted members of the security forces for these extrajudicial killings. Officials justify the unit's actions as a consequence of nonexistent prison facilities in Bangui.

Some detainees died as a result of torture (see Section 1.c.). The Government tacitly approved the actions taken by the police squad to reduce armed robbery; it never has prosecuted members of the security forces for these extrajudicial killings. Police and security forces are immune from prosecution for extrajudicial killings.

In November 1999, armed men, reportedly members of FORSDIR, killed former army lieutenant Antoine Gbodo, in his home in Kembe, and four others. In December 1999, the Government dispatched a team of gendarmes to Kembe to investigate the incident, accompanied by a group of National Assembly members from the largely pro-opposition region; however, no representative of the Government's Office of Human Rights was permitted to accompany the team. According to Kembe deputy Desire Kolingba, the Government submitted a report based on its independent investigation into the Kembe killing to the National Assembly. The Assembly did not

discuss the report during its October session and it had not been released publicly by year's end. According to the Ministry of Defense, the general prosecutor concluded his investigation, but the results of that investigation also were not released by year's end.

On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another (see Sections 1.c, 2.d., and 5). The Government conducted a full investigation into the incident; however, it did not result in any arrests or indictments by year's end.

On August 29, armed bandits shot the Libyan Ambassador, Al Sanoussi Awad Abdallah, in a carjacking attempt as he was leaving a restaurant in Bangui; he died 3 days later. In September authorities arrested three persons and charged them with the murder; the three remained in detention pending trial at year's end. A French suspect was released shortly after being arrested on September 5; he left the country. Although political motives were suspected, an investigation by the police concluded that the killing was the result of an attempted carjacking.

Unlike in the previous year, there were no deaths during the year due to mob violence, nor any mob killings of persons suspected of practicing witchcraft. There was no progress in the trial of those alleged to be involved in the February 1999 mob killing of three men suspected of witchcraft.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse, police continued to torture, beat, and otherwise abuse criminal suspects and prisoners. As in previous years, family members and human rights groups, including the Human Rights League (HRL) Executive Committee, continued to file court complaints with the prosecutor, Joseph Bindoumi, based on the deaths of several prisoners due to police abuse. Approximately 15 to 20 complaints were filed during the year; however, the authorities continued to take no action (see Section 1.a.).

On January 23, several members of the Karako militia marched on President Patasse's residence demanding to be enlisted in the regular army (see Section 2.b.). The Special Anti-Riot Police Squad (FECU) used automatic weapons and teargas grenades to disperse the protesters, and arrested five persons (see Section 1.d.). One man was taken to the hospital with serious injuries as a result of being beaten by police. On February 4, police and ex-presidential guardsmen fired shots into the air to disperse a similar protest (see Section 2.b.).

On November 14, riot police used tear gas and rubber bullets to disperse approximately 3,000 civil servants who marched in Bangui to protest salary arrears (see Section 6.a.). Witnesses said that police also beat several demonstrators.

On December 19, USP and riot police used tear gas to violently disperse a demonstration at Bangui's Bonga-Bonga stadium (see Sections 1.d. and 2.b.); police reportedly also beat several persons. Approximately 20 persons were injured during a stampede caused by the tear gas.

Legislation adopted in November 1999 to restructure the military placed the Presidential Security Unit (USP), formerly the FORSDIR, under the civilian control of the Minister of Defense. The President signed the restructuring implementing decree on January 26, and the Presidential Security Unit was reduced in size and placed under the command of the Army Chief of Staff. The USP, like the FORSDIR, is a well-equipped force parallel to the military that frequently used excessive force in its operations; it reportedly also was responsible for other serious human rights abuses.

The Government has not taken legal action against members of the presidential guard who tortured and beat trade union leader Sonny Cole in 1999.

Travelers and religious groups, particularly Catholic priests and nuns, were victims of organized highway bandits near Grimari, 180 miles northeast of Bangui (see Section 2.d.). On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another. A week later, the funeral procession for the nun was attacked near the same place (see Section 5); no injuries were reported. The Government conducted a full investigation into the incidents; however, it did not result in any arrests by year's end.

There were no developments in the case of the six armed men, alleged to be DRC soldiers, who in 1999 allegedly raped three foreign nuns at their residence in Bangassou, near the border with the DRC, and beat a local priest.

Unlike in the previous year, there were no cross-border conflicts or foreign troop movements by armed foreigners.

Prison conditions are harsh. Ngaragba, Bangui's main prison, was ransacked during the 1996 mutinies. Approximately 255 detainees, half of whom are awaiting trial, still were being kept in 10 police stations around Bangui; however, President

Patasse officially pardoned and released most of them during the year and the number remaining in detention at year's end was unknown. Police station cells in Bangui and prisons elsewhere are overcrowded, and basic necessities, including food, clothing, and medicine, are in short supply and often are confiscated by prison officials for their personal use. Prisoners frequently are forced to perform uncompensated labor at the residences of government officials and magistrates (see Section 6.c.). Male and female prisoners are confined in separate facilities in Bangui but housed together elsewhere. There are no separate detention facilities for juvenile offenders and minors in Bangui; elsewhere juvenile offenders routinely are housed with adults and are subjected to physical abuse. Although the Government has solicited funds to rebuild Bangui prison, construction had not started by year's end.

The Government permits prison visits by international and local human rights monitors. The national Red Cross and international and local religious groups routinely provide supplies, food, and clothes to prisoners. The International Committee of the Red Cross (ICRC) has unrestricted access to prisoners. On June 19, a representative of the African Commission on Human and Peoples' Rights responsible for monitoring prison conditions in Africa visited prisons and detention facilities throughout the country, including those located in Bangui (see Section 4). He concluded that general prison conditions in the country did not meet international standards.

*d. Arbitrary Arrest, Detention, or Exile.*—The law provides protection against arbitrary arrest and detention; however, the security forces often ignored these provisions. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often do not respect this deadline, in part due to inefficient judicial procedures. Judicial warrants are not required for arrest. By law, national security detainees are defined as "those held for crimes against the security of the State" and may be held without charge for up to 2 months.

Prolonged pretrial detention is a serious problem; approximately one-half of the male prison population is made up of pretrial detainees. President Patasse officially pardoned and released most of them during the year, and the number remaining in detention at year's end was unknown.

On January 23, police arrested five protesters during demonstrations by members of the Karako militia; however, they subsequently were released without charges (see Sections 1.c. and 2.b.).

On December 19, police arrested 73 persons, including 4 members of the National Assembly, following a demonstration at Bangui's Bonga-Bonga stadium (see Sections 1.c. and 2.b.). All 73 persons subsequently were released. On December 20, police issued an arrest warrant for attorney Assingambi Zarambaud, an open critic of the Government, in connection with the December 19 rally. Zarambaud went into hiding after the rally; his whereabouts were unknown at year's end.

The law does not permit the use of exile, and the Government does not employ it in practice. The Government has stated repeatedly that any person in self-imposed exile for strictly political, rather than criminal, reasons may return without fear of persecution.

*e. Denial of a Fair Public Trial.*—The Constitution provides for an independent judiciary; however, it is subject to executive interference.

The judiciary consists of regular and military courts. New courts of justice were created in 1997 in both urban and rural areas. A juvenile court was created in 1998. However, these courts are not functioning due to inefficient administration, shortage of trained personnel, growing salary arrears, and a lack of material resources. The Criminal Court did not meet in session during the year.

In criminal cases, the accused are presumed innocent and have the right to legal counsel, to public trial, to be present at their trials, and to confront witnesses. The Government generally respects these safeguards in practice in many cases; however, a number of persons were subjected to prolonged detention without trial or were summarily and extrajudicially killed by the OCRB (see Section 1.a. and 1.d.).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits invasion of homes without a warrant in civil and criminal cases. On occasions police used provisions of the Penal Code governing certain political and security cases that allowed them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes, a practice initiated in 1997 as part of a disarmament process following the 1996/97 military mutinies. The increase of banditry in Bangui has become a pretext for police to carry out warrantless house searches. The Government continued to monitor the telephones of some opposition figures and to engage in wiretapping without judicial authority.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and the Press.*—The Constitution provides for freedom of speech and of the press; however, the Government at times restricted the freedom of the print media to criticize the Government. Legislation enacted in 1998 rescinded the Government's authority to censor the press, defined the rights and responsibilities of private media, and created a High Broadcast Council to regulate the media; however, the Government continued to dominate domestic broadcast media. In August President Patasse issued a decree dissolving the High Broadcast Council without further explanation. Many observers believe that the President took such action because the Government cannot control the local private press. Libel cases are addressed in civil rather than criminal courts.

Citizens continued to speak freely and publicly, criticizing the Government and political parties. Opposition leaders in particular used press statements, manifestos, and copies of open correspondence to the Government to circulate their views. The Government made no apparent effort to censor, seize, or halt the printing and circulation of these materials.

The Government owns and controls two newspapers, the *Agence Centrafricaine de Presse* (ACAP) bulletin, which appears sporadically, and *Be Africa Sango*, which was not published during the year due to lack of finances. *Echo de Centrafrique*, a private daily newspaper created at the beginning of 1999, is close to the ruling party. More than a dozen private newspapers were published over varying intervals; eight were published on a regular basis during the year. These newspapers often were outspoken in their criticism of the President, the Government's economic policies, and official corruption. In January both the President and Prime Minister threatened local journalists with sanctions if any newspaper transgressed the media code and went beyond journalistic propriety.

On August 4, the editor of the private daily "*Le Citoyen*" was arrested and detained at the gendarmerie in Bangui. A presidential spokesman accused Maka Gbassokoto, the editor, of defamation following the newspaper's publication of an official letter sent by the spokesman to all businessmen requiring them to buy pictures of President Patasse and to deposit the payments in a special account opened for this purpose by the President's communication advisor. These instructions violated restrictions imposed by the IMF and the World Bank; only the public treasury is authorized to collect and manage government funds. Gbassokoto was released on August 5, immediately rearrested on presidential orders, and finally released on August 8, pending an August 21 trial. However, on August 20, the spokesman withdrew his complaint, which was seen by the private press as a victory over government harassment; all charges were dropped and the judge cancelled the trial.

Radio is the most important medium of mass communication, since literacy is not universal and newspapers and television are relatively expensive and rarely are found outside urban areas. The Government owns and operates a radio station and a television station. Programming continued to be dominated by reporting on the activities of the President and senior government officials. It is a common complaint among political observers that ruling majority parties received more coverage of their activities or meetings than opposition parties. The presidency, especially the President's communications advisor, reportedly controls the radio programs and broadcasts. In 1999 some programs, such as a popular call-in show, whose listeners often expressed opinions critical of the Government, were taken off the air.

Government television and radio broadcasts included weekly programs that provided an opportunity for political parties to present their views and discuss their programs during the 1999 presidential elections. Although the opposition originally welcomed this promised access to the public media, in practice such access did not materialize. During the 1998 legislative and 1999 presidential elections, political parties had access to the public media according to a schedule established by the High Council of Communication; opposition candidates received equal coverage and had equal access to state-owned media.

Since the mid-1990's, the Government has relaxed partially its monopoly of domestic radio broadcasting. A private radio station, *Africa Number One*, part of a French-owned network based in Libreville, Gabon, has been broadcasting in Bangui since 1995. Its programming includes national news coverage by a correspondent based in the country. *Radio Notre Dame*, which is affiliated with the Catholic Church, also began operations in 1995. Its programming includes national news, debates, legal counseling, and human rights education. *Radio France International* (RFI) has been broadcasting domestically since 1997. Its programming includes some national news coverage by a correspondent based in the country. *Radio MINURCA*, the U.N. peacekeeping forces' radio that began broadcasting in 1998, ceased its operations on February 15. On June 3, a new private radio, *N'deke Luka* (Sangho for "bird of luck"), started broadcasting from Bangui on FM and shortwave

frequencies with assistance from foreign governments and development organizations. One of N'deke Luka's objectives is to promote peace and development by publicizing programs of international and local nongovernmental organizations (NGO's) working in the region. There are no broadcast media entities either privately owned or operated by citizens of the country, as distinct from transnational French networks or Catholic networks. There are no privately owned stations that broadcast domestically produced national news or political commentary.

The Government continued to monopolize domestic television broadcasting. Private television broadcasting is allowed by law; the High Council of Communication is responsible for authorizing private television as well as radio stations. No applications to establish a private television station have been received. The Government does not restrict domestic receipt or distribution of satellite or cable television, but few citizens can afford it, and it is not widespread even in the capital. A private telecommunications company, which was established pursuant to a 1996 law that liberalized telecommunications, operates a domestic Internet and e-mail service provider as well as cybercafes. Few citizens can afford home access to the Internet, but many urban residents rent brief access at cybercafes.

Unlike in the previous year, the Government did not impede foreign journalists in their work.

The Government respects academic freedom. University faculty and students belong to many political parties and generally express their views without fear of reprisal.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly; however, the Government restricted this right in practice on at least one occasion. In addition some legal restrictions on freedom of assembly remain. A 1992 decree requires organizers of demonstrations and public meetings to register with the Government 48 hours in advance and also prohibits political meetings in schools or churches. Unlike in the previous year, the Government did not ban public demonstrations and mass meetings nationwide; however, it rarely granted approval for public demonstrations. Prior to 1999, the Ministry of Interior generally had not prohibited demonstrations or public meetings if notified in advance. There were several incidents of Government interference with opposition meetings during the year. In 1999 the Government banned the Union des Forces Acquisées à la Paix (UFAP), a coalition of political parties, labor unions, and NGO's, from holding public meetings on the grounds that it was not a registered organization. The organization dissolved following the presidential election; on November 15, opposition parties formed The Coalition of Opposition Political Parties, replacing the UFAP.

On January 23 and February 4, police forcibly dispersed demonstrations by members of the Karako militia (see Section 1.c.). The Karako militia, which came from President Patasse's district in the northwestern part of the country, was formed initially to protect the presidential regime during the 1996 and 1997 mutinies. The Ministry of Defense has enlisted several hundred of the 1000 Karako militiamen as it promised to do when recruiting the militiamen during the mutiny.

On November 14, riot police forcibly dispersed approximately 3,000 civil servants who marched in Bangui to protest salary arrears (see Section 6.a.). On November 24, over 10,000 civil servants and their union representatives marched through Bangui to protest salary arrears. Although the Government did not authorize the march, it did not take action to disperse it (see Section 6.a.).

On December 19, at Bangui's Bonga-Bonga stadium, USP and riot police violently dispersed approximately 4,000 demonstrators. The rally, which had been banned by the Government, was organized by opposition leaders to protest salary arrears and call for the President's resignation; several persons were injured and numerous persons were arrested (see Sections 1.c. and 1.d.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. All associations including political parties must register with the Ministry of Interior in order to enjoy legal status. The Government usually grants registration expeditiously.

There are more than 35 registered political parties and a variety of nonpolitical associations. The Government normally allows them to hold congresses, elect officials, and publicly debate policy issues without interference except when they advocated sectarianism or tribalism. Unlike the previous year, there were no incidents reported of Government restrictions on NGO activities during the year.

The law prohibiting nonpolitical organizations from coalescing for political purposes remains in place; no significant reports of enforcement of this law were reported during the year, although government officials complained publicly about labor unions coordination with opposition political parties in year-end demonstrations.



*c. Freedom of Religion.*—The Constitution provides for freedom of religion, but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The constitutional provision prohibiting religious fundamentalism is widely understood to be aimed at Muslims. There is no state religion. In practice the Government permits adherents of all religions to worship without interference. Religious organizations and missionary groups are free to proselytize, worship, and construct places of worship.

Religious groups (except for traditional indigenous religious groups) are required by law to register with the Ministry of Interior. This registration is free and confers official recognition and certain limited benefits, such as customs duty exemption for the importation of vehicles or equipment, but does not confer a general tax exemption. The Ministry's administrative police keep track of groups that have failed to register, but have not attempted to impose any penalty on such groups. The Ministry of Interior has registered more than 100 religious and nonreligious groups since 1993. However, any religious or non-religious group that the Government considers subversive is subject to sanctions. The Ministry may decline to register, suspend the operations of, or ban any organization that it deems offensive to public morals or likely to disturb the peace. The Government has banned the Unification Church since the mid-1980's as a subversive organization likely to disturb the peace, specifically in connection with alleged paramilitary training of young church members. However, the Government imposed no new sanctions on any religious group during the year. The Ministry also may intervene to resolve internal conflicts about property, finances, or leadership within religious groups.

Muslims, particularly Mbororo (also known as Peulh or Fulani) herders, claim to be singled out for harassment by authorities, including extortion by police, due to popular resentment of their presumed affluence.

The practice of witchcraft is a criminal offense under the Penal Code; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Persons are free to move about within the country, but the police, security forces, and other officials harass travelers unwilling or unable to pay bribes at checkpoints along major intercity roads and at major intersections in Bangui. However, under pressure from the National Assembly, the Ministry of Interior continued to remove some security forces checkpoints on the main roads outside the capital during the year.

USP forces continued to be stationed at the airport to control travelers. The Government generally allows opposition leaders to travel outside or inside the country without restrictions. Although in the previous year, some citizens were prevented from leaving the country because their names were on unspecified official lists, there were no reports of such incidents during the year.

Attacks by bandits on major routes to the north and east sometimes occurred, even though most travelers moved in convoys with military escorts. Travelers and religious groups, particularly Catholic priests and nuns, were victims of organized highway bandits near Grimari, 180 miles northeast of Bangui. On February 5, armed bandits attacked a vehicle transporting religious personnel, killing one nun and wounding another. A week later, the funeral procession for the nun was attacked near the same place (see Sections 1.a., 1.c., and 5); no injuries were reported. Archbishop Joachim Ndayen protested assaults against Catholic clergy by accusing the Government of indifference and of not stopping highway banditry or prosecuting the perpetrators. The Government also established military bases in East Zemio, Bambari, Bria, Kaga-Bandoro, and Bossangoa in an effort to curb highway banditry.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government respects these provisions in practice. The Government continued to work with the United Nations High Commission for Refugees (UNHCR) in hosting Chadian, Sudanese, Rwandan, and Congolese refugees. Almost all refugees were registered with the National Commission for Refugees. However, there is concern that the Government and the UNHCR may not be prepared to handle a mass influx of Congolese refugees from the war in the DRC. The Government and the UNHCR established refugee camps in Boubou, Kaga-Bandoro, and Mongoumba during the year.

During the week of January 24, the Government moved Rwandan refugees from the Bouca camp, near Boubou, due to pressure from local residents. The refugees were relocated to Bangui, where they remained at year's end.

Unlike in the previous year, there were no cross-border conflicts or foreign troop movements by armed foreigners.

Applicants for asylum generally are treated well and often are accepted. There were no reports of the forced return of persons considered to be refugees under international standards to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

The Constitution provides citizens with the right to change their government. This right first was exercised in free and fair elections in 1993 that were the culmination of a successful democratization movement led by Ange Felix Patasse. Patasse's MLPC won both the presidency and a majority of seats in the unicameral national legislature. Citizens again exercised their constitutional right to change their government by democratic means through National Assembly and presidential elections in 1998 and 1999, respectively. International observers deemed both elections generally free and fair; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. Some of the registration irregularities tended to favor the ruling party.

In the 1998 National Assembly elections, opposition parties won 55 seats, while the ruling MLPC party of President Patasse and its allies won 54 seats. However, the defection of one opposition National Assembly member in December 1998 gave the ruling party and its coalition a one-seat majority. The opposition parties and the UFAP strongly protested this defection and boycotted the inauguration of the new session of the legislature.

President Patasse's first term of office expired in 1999, but he was eligible constitutionally to seek a second consecutive term. In June 1999, the Government established an Independent Electoral Commission (CEMI) to supervise the presidential election. Although the CEMI included representatives from many political parties on its board, persons loyal to the President controlled it. The Government explicitly rejected suggestions by elements of the international community, which provided material and financial support for the election, that the executive branch of the Government not involve itself in the management of the electoral process. In August 1999, President Patasse promulgated a decree that subordinated CEMI to the state Organ of Control (OCASPA), a state organization that he had created by decree in May 1999 to oversee the election process. Before the presidential election, there were credible reports of attempts to inflate sharply the number of registered voters in pro-MLPC northern areas, although this was corrected before the polling. The Government postponed the first round of the presidential election, first from August 29 to September 12, and then to September 19, after serious problems in ballot distribution became evident; however, the Government denied requests from opposition leaders for further delays to permit more complete resolution of the problems with the electoral process. Some provisions of the electoral code, requiring publication of voter lists at least 15 days before the election and distribution of voter identification cards at least 8 days before the election, were not respected. On election day, a shortage of ballots was reported in some largely pro-opposition districts. Opposition party poll-watchers reported the use of some falsified voter identification documents by voters, and there were several reports of ballot boxes being delivered to the CEMI without certified tally sheets, or from unofficial polling places.

Two weeks after the voting, the Constitutional Court announced the official results of the election and declared President Patasse reelected with 51.6 percent of the votes cast. Nine other candidates certified by the Constitutional Court had competed in the election. The Constitution required a secondround runoff election if no candidate received 50 percent of votes cast in the first round election. However, only one of the unsuccessful candidates filed a complaint with the Constitutional Court.

There was occasional violence during the presidential election campaign, including fighting in Bangui between supporters of President Patasse and former president Kolingba, and attacks by some opposition supporters on foreign diplomats whose governments' were perceived to have supported Patasse.

The Constitution provides for multiple political parties. The state is highly centralized. The central Government appoints all subnational government officials, and subnational government entities have no significant fiscal autonomy. The Government has not held constitutionally required local elections in recent years, ostensibly due to budgetary restrictions. The Government has appointed four successive mayors, including the current mayor of Bangui, the capital, a southern city well outside the ruling party's main political base in the north (see Section 5).

On April 14, the opposition groups in Parliament filed a motion of censure against Prime Minister Anicet-Georges Dologuele and his cabinet in response to a series of political and financial scandals in the early part of the year, including allegations of connections of public officials with organized crime, the illegal transfer of laundered money through the Central Bank, the duty-free purchase and subsequent

sale of oil in the country by a company close to the presidency, and the renting of government cars to visitors attending an official conference organized by the Government. The latter scandal led to the resignation of two ministers and a partial reshuffle of government officials. The motion won 43 of the 50 opposition votes, but the Prime Minister survived this vote of noconfidence with 58 votes (out of 109).

On July 8, following the month-long fuel crisis, 6 opposition parties holding 5 of the 109 seats in the National Assembly called on President Patasse to resign. In meetings with and statements to private newspapers, opposition leaders attributed the fuel crisis to the President's irresponsibility, incompetence, corruption, predation, and his ambiguous relationship with both DRC President Laurent Desiree Kabila and rebel leader Jean-Pierre Bemba. In reaction, political parties and personalities close to Patasse expressed their support for the President through a communique read on local radio and television, and accused the opposition of a brainwashing campaign.

There are no laws that restrict the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Before and during the legislative and presidential elections in 1998 and 1999, the Government's Department of Social Affairs and women's NGO's implemented programs and launched an extensive public awareness campaign to encourage women to register to vote and to compete for public office; however, the effect has been nominal as there are very few women in prominent government positions. Only 8 members of the National Assembly are women, and only 3 of the 25 cabinet members are women. In 1999 the President, for the first time, appointed five women as prefects.

There are no laws that restrict the participation of minorities, in the political process; however, minorities are underrepresented in government and politics.

President Patasse is a member of the Sara-Kaba ethnic group. Members of northern ethnic groups, including the Sara and Baya, continued to predominate among the President's advisors, in the leadership of the ruling party, and among ruling party members of the National Assembly. Both Prime Minister Dologuele and National Assembly President Luc Dondon Konambaye are distant relatives of Patasse. In November 1999, President Patasse appointed a more ethnically diverse Government, which now includes more than 12 different ethnic groups, such as the Gbaya, Banda, Kaba, Dagba, Manjda, Ngbaka, Azande, Youlou, Rounga, Yakoma, and Banziri groups. At year's end, there was one Muslim in the Prime Minister's cabinet, and there were at least five Muslims in the National Assembly.

Pygmies (Ba'aka), the indigenous inhabitants of the southern part of the country, who represent 1 to 2 percent of the population, are not represented in the Government and have little political power or influence.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Central African Human Rights League (LCDH) publicizes human rights violations and pleads individual cases of human rights abuses before the courts. The LCDH continued to distribute to prisons, police stations, courts, schools, and other NGO's pamphlets describing human rights and information on judicial access. In August the LCDH issued a press release protesting the arbitrary arrest and detention of Maka Gbassokoto, editor of the daily newspaper "Le Citoyen," (see Section 2.a). Unlike in the previous year, security forces did not harass the president of the LDCH.

The Association of Central African Women Lawyers advises women of their legal rights (see Section 5). Several other NGO's, including the Movement for the Defense of Human Rights and Humanitarian Action and some religious groups actively monitor human rights problems. Although the Government supported the role that some of these NGO's played in mediating its negotiations with military mutineers in 1996 and 1997, it did not welcome their criticism that some officials close to MLPC involved in alleged corruption scandals were neither arrested nor tried (see Section 3).

International NGO's are permitted in general to visit and monitor human rights problems; however, no organizations other than the African Commission on Human and Peoples' Rights (ACHRR) visited the country during the year. On June 19, a representative of the ACHRR visited prisons and detention facilities throughout the country (see Section 1.c.).

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, sex, or religion, but the Government does not enforce these provisions effectively, and significant discrimination exists.

*Women.*—Violence against women, including wife beating, occurs although inadequate data make it impossible to quantify the extent. Victims seldom report incidents. The courts try very few cases of spousal abuse, although litigants cite these abuses during divorce trials and civil suits. Some women reportedly tolerate abuse in order to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

In practice women are treated as inferior to men both economically and socially. Single, divorced, or widowed women, even with children, are not considered by society to be heads of households. Only men are entitled to family subsidies. Women in rural areas generally suffer more discrimination than do women in urban areas. Approximately 60 to 70 percent of urban women have attended primary school, whereas only 10 to 20 percent of their rural counterparts have done so. At the primary level, women and men enjoy equal access to education, but the majority of young women drop out at age 14 or 15 due to social pressure to marry and bear children. Only 20 percent of the students at the University of Bangui are female. There are no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at upper levels in the professions or in the government service, traditionally has been limited. Several active women's groups organized workshops and seminars to promote women's and children's rights and to fully participate in the political process. In February in Bossangoa, UNESCO funded a workshop to educate women on the principles of peace and democracy. On December 6, BONUSA organized a seminar with different NGO's, including many women's groups, on promoting human rights. In October a delegation of women attended the Women's International Symposium on Health and World March of Women.

Polygyny is legal, although this practice faces growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never marry formally because men cannot afford the traditional bride payment. Women who are educated and financially independent tend to seek monogamous marriages. Divorce is legal and may be initiated by either partner. The law does not discriminate against women in inheritance and property rights, but a number of conflicting customary laws often prevail. A family 6dt addmwl(mnarengy enmany women)Tj/F1 125.705.0846 0 TD0 Tw(')Tj/F4 1 Tf0.204 0 T\*0.18 Tw(s Thi doetagfio socore discriminatate agaiith childr on Govd fi--6.386.8924 -1 TD.2025 Tgovernmeindece itentseekeyups, on heartancateause

A 1996 ordinance banned female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. Approximately 45 to 50 percent of adult females have undergone FGM. In August the International Committee of African Women for Development (CIFAD), a central African-based women's rights organization, began a national campaign against FGM with financial assistance from a foreign donor. During the year, a Government-NGO campaign continued to reduce incidence of FGM in rural areas.

*People with Disabilities.*—There is no codified or cultural discrimination against the disabled. There are several government-initiated programs designed to assist the disabled, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services. There are no legislated or mandated accessibility provisions for the disabled.

*Indigenous People.*—Despite constitutional protection, there is societal discrimination against Pygmies (Ba'aka), the earliest known inhabitants of the rain forest in the southern part of the country, who make up approximately 1 to 2 percent of the country's population. In general Pygmies have little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, are subject to social and economic discrimination and exploitation, which the Government has done little to correct. Pygmies often work for villagers at wages lower than those paid to members of other groups.

*Religious Minorities.*—Although religious tolerance among members of different religious faiths is the norm, there have been occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft is widely understood to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons. Courts have tried, convicted, and sentenced some persons for crimes of violence against suspected witches. Unlike in the previous year, there were no mob killings of persons suspected of practicing witchcraft during the year.

Muslims (who constitute about 15 percent of the population), particularly Mbororo (also known as Peulh or Fulani) herders, continued to claim that they were singled out for harassment by authorities, including extortion by police, due to popular resentment of their presumed affluence. Muslims play a preponderant role in the economy.

Generally, amicable relations exist among members of different religious faiths. When serious social or political conflicts have arisen between the various religious communities, simultaneous prayer ceremonies have been held in churches, temples, and mosques to ask for divine assistance. The Catholic Commission for Justice and Peace often conducts developmental and educational programs and seminars throughout the country. The members work closely with other church groups and social organizations on social issues. On April 15, the commission organized a large, nationally televised rally at the national stadium to promote dialogue on peace and tolerance, with President Ange-Felix Patasse and other government officials in attendance.

Religious groups, particularly Catholic priests and nuns, were victims of organized armed highway bandits northeast of Bangui (see Sections 1.a. and 2.d.).

*National/Racial/Ethnic Minorities.*—The population of about 3.5 million includes approximately 90 ethnic groups; many of these groups speak distinct primary languages and are concentrated regionally outside urban areas. The largest ethnic groups are the Baya (more than 30 percent), the Banda (more than 25 percent), the Mandja (more than 20 percent), and the Sara (about 10 percent). The Mbororo make up about 5 percent of the population but play a preponderant role in the economy. They are involved in mining development and remain the most important cattle breeders in the country.

Until 1993 members of Kolingba's ethnic group, the Yakoma subgroup of the Ngbandi, held a disproportionate number of senior positions in government, the armed forces, and state-owned firms. As a result of President Patasse's 1993 election, Yakomas no longer hold a disproportionate number of positions in the civil service, but the armed forces still are being restructured to achieve greater ethnic balance. At year's end Yakomas still constituted the majority of the army. Approximately 80 percent of USP, former FORSDIR, members are native to the President's northern region; many belong to the President's Kaba ethnic group or closely related groups.

Major political parties tend to have readily identifiable ethnic or ethnic-regional bases. The results of the 1998 legislative elections and the 1999 presidential election confirmed that the MLPC Party of President Patasse has strong support in the

north, especially among the Sara and Baya ethnic groups, but also has strengthened its support in the capital. The Movement for Democracy and Development (MDD) party of former President Dacko is strong in the southwestern part of the country and the Central African Democratic Rally (RDC) Party of Kolingba, is popular in the southeast, in the Oubangui River basin, especially among the Yakoma.

*Section 6. Worker Rights*

*a. The Right of Association.*—Under the Labor Code, all workers are free to form or join unions without prior authorization. A relatively small part of the workforce has exercised this right, chiefly wage earners such as civil servants. There are five recognized labor federations. The two most important are the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which are independent of the Government.

Unions have the right to strike in both the public and private sectors. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union also must provide 8 days' advance written notification of a planned strike. The Labor Code states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. Other than this, the code contains no other provisions regarding sanctions on employers for acting against strikers. No employer actions against strikers are known to have occurred during the year. The teacher's strike that lasted throughout 1999 and further reduced education opportunities for children ended in August; however, the strike resumed in October and was ongoing at year's end. Health workers went on strike several times during the year to protest unpaid salaries and poor working conditions. The last such strike began in August and was ongoing at year's end.

Since October the major labor federations have mobilized all striking civil servants to demand that the Government pay at least 12 months worth of salary arrears. On November 14, approximately 3,000 civil servants marched through Bangui to protest 30 months of unpaid salary. The Government had agreed to pay 3 months of arrears; however, it only paid 2 months worth to some civil servants. The march was dispersed by riot police who released tear gas, shot rubber bullets at the protesters, and reportedly beat several demonstrators (see Section 1.c.). On November 24, labor federations representing civil servants marched through Bangui again to protest salary arrears. The Government did not authorize the strike by over 10,000 civil servants and their union representatives; however, unlike in the previous march, the riot police did not disperse the protestors. Following the march, the Government agreed to pay 1 month of arrears; however, only some police, military officials, gendarmes, Justice Department officials, and health and education workers were able to collect their salaries. On December 11, all unions organized a "ville morte" or dead city strike to protest salary arrears. The strike closed offices, shops, and markets in Bangui from 5 a.m. to 4 p.m. On December 13, students from the University of Bangui marched to protest arrears, and on December 14, women's organizations marched for the same reason.

Labor federations are free to affiliate internationally. The USTC is affiliated with the International Confederation of Free Trade unions.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code grants trade unions full legal status, including the right to sue in court. It requires that union officials be full-time wage-earning employees in their occupation, but they are allowed to conduct union business during working hours. The code does not provide specifically that unions may bargain collectively. While collective bargaining has taken place in the past, there was no collective bargaining during the year.

The Ministry of Labor and Civil Service sets wage scales. Salary arrears continued during the year at the same rate as the previous year for both civilian (12 months) and military (9 months) personnel; arrears continued to be a major complaint of the unions.

The law expressly forbids discrimination against employees on the basis of union membership or union activity. Employees can have their cases heard in the labor court. The Labor Code does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities; however, employers legally are required to pay damages, including back pay and lost wages.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced labor is specifically prohibited by the Labor Code; however, prisoners were forced to work without compensation for government officials or magistrates (see Section 1.c.). The Labor Code also applies to children, although it does not specifically prohibit forced labor by chil-

dren; however, the Government does not have sufficient resources to enforce the prohibition effectively and some parents force their daughters into prostitution to help support the family (see Sections 5 and 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code forbids the employment of children less than 14 years of age; however, the Ministry of Labor and Civil Service enforces the provision only loosely. In practice child labor is common in many sectors of the economy, especially in rural areas. In some rural areas, teachers or principals use school children as labor on farms. Some rural schools have farms where teachers ostensibly teach school children how to work the land, because many students do not further their education beyond secondary school and return to their villages to work. The schools use the proceeds from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. The Labor Code generally covers all labor sectors, although specific regulations cover specific sectors. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years of age for some types of light work in traditional agricultural activities or home services. The Government has adopted laws and regulations proscribing the worst forms of child labor, which the Labor Code defines as “dangerous work or work involving serious risk for the children’s health, security or morality.” In addition to the minimum age for basic employment, the code also defines age 14 as the maximum age at which children are required to be enrolled in school.

The Labor Code prohibits forced and bonded labor in general although it does not specifically prohibit forced labor by children; however, the Government does not enforce its provisions effectively and there were reports of forced prostitution by children (see Sections 5 and 6.c.).

*e. Acceptable Conditions of Work.*—The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage is equivalent to approximately \$12 (CFA 7,800) for agricultural workers but approximately \$28 (CFA 18,000) for office workers. The minimum wage does not enable a worker and family to maintain a decent standard of living. Most labor is performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector. The Government owes at least 12 months worth of salary arrears to civil servants (see Sections 1.c., 1.d., 2.b., and 6.a.).

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires a minimum rest period of 48 hours a week.

There also are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defines nor actively enforces them, a matter about which the International Labor Organization has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

*f. Trafficking in Persons.*—No law was known specifically to prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

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## CHAD

Chad is a centralized republic dominated by a strong presidency. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. The Sovereign National Conference (CNS) confirmed Deby in 1993 as Chief of State, and he was elected President in 1996 under a Constitution adopted in a referendum earlier that year. According to credible reports, fraud, widespread vote-rigging, and local irregularities marred both the 1996 presidential election and the 1997 legislative elections in which members of the MPS won 65 of 125 seats in the National Assembly. The Government remained unable to exert effective control over the northwestern region of the country where former Defense Minister Youssouf Togoimi began a rebellion in October 1998. The Supreme Court began full operations in October. In May the National Assembly enacted a law calling for the election of 15 members of the High Court of Justice as required by the Constitution; they were elected on May 24. Despite these steps in fulfilling the 1996 Constitution’s requirement for the establishment of an independent judiciary, the courts remained ineffective, overburdened, and subject to outside interference, including by the executive branch.

The army, Gendarmerie (State Police Force), police, National and Nomadic Guard (NNG), and intelligence services are responsible for internal security. Officers from President Deby's ethnic group dominate the Rapid Intervention Force (FIR), and the National Security Agency (ANS), a counterintelligence organization that has acted as an internal political police force. The National Army, Gendarmerie, the NNG, and the Republican Guard (the Presidential Security Force) were deployed to fight the rebels. The security forces continued to commit serious human rights abuses.

The economy is based on subsistence agriculture, herding, and fishing. Annual per capita income is estimated at \$239. The country has little industry; its chief export is cotton. Among the impediments to sustainable economic growth are corruption, numerous state-owned monopolies, a bloated civil service, and a thriving informal sector outside government taxation policies. The Chad-Cameroon oil pipeline project officially started in October, and the construction of infrastructure for the project began during the year. The Government remains heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and serious problems continued. The Government limited citizens' right to change their government. State security forces committed extrajudicial killings, disappearances, and tortured, beat, abused, and raped persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention. Although the Government detained and convicted some members of the its security forces implicated or accused of criminal acts, it rarely prosecuted or sanctioned members of the security forces who commit human rights abuses. The Government also did not prosecute or punish security force personnel accused in previous years of killings, rape, torture, arbitrary arrest and detention. Lengthy pretrial detention remained a problem. The judiciary remains subject to executive interference and is unable to provide citizens with prompt trials. The Government holds political detainees. Security forces used illegal searches and wiretaps and monitored the contents of private mail. The Government at times infringed on freedom of speech and of the press. The Government continued to threaten judicial action against independent newspapers for publishing material, which it deemed prejudicial to the Government, on the rebellion in the north and actions of senior officials. The Government limited freedom of assembly. At times the Government limited freedom of religion and movement. Violence and societal discrimination against women remained common. Female genital mutilation (FGM) remained widespread. Both official and societal ethnic and regional discrimination remained widespread; northerners, in particular members of President Deby's Zaghawa ethnic minority, continued to dominate key positions in the public sector. There also were reports of forced labor, including forced child labor. Child labor is a problem. Serious armed conflict between the Government and rebels in the Tibesti continued.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Officially sanctioned extrajudicial killings of suspected criminals by police, customs officers, and gendarmes continued, although some members of the security forces, who committed such acts, were taken into custody for judicial adjudication. Units of the armed forces were responsible for the extrajudicial killings of suspected members of the northwestern rebellion in the Tibesti.

In January a relative of an advisor to rebel leader Togoimi reported that police killed 25 Tabou men, including a relative of Togoimi, after arresting them (see Section 1.d.).

According to human rights groups, in May the armed forces arrested and killed four persons, Sougui Mahamat Taher, Chaha Bougar, Ali Bakai Boursa, and Sougou Allatchi Tollymi in Zouar (Borkou-Ennedi-Tibesti). They were suspected of being supporters of the MDJT. At year's end, there had been no government investigation of the incident and no action taken against the personnel involved.

In May *Le Temps* newspaper reported that 8 armed Republican Guards kidnaped 10 persons, including 7 soccer players, from a public park in N'Djamena. The Republican Guards killed a 20-year-old man by breaking his neck. The others of those kidnaped received serious injuries; they were beaten by the Republican Guards. There were no reports of legal action against the Republican Guards involved.

On October 5, security officials reportedly beat and abused a Zaghawa tribesman, who died at his home 3 days after his release from custody (see Section 1.c.).

Armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 2.d.).



There was no action taken in several 1999 extrajudicial killings. For example, no action was taken against officials in Bol who beat to death three men in February 1999 or against police in Tan'djile after two businessmen died while in their custody in January 1999. No action was taken against the security forces who killed seven presumed thieves in the Mayo Kebbi and Bongor areas in January 1999. Likewise, no action was taken against Hemchi Dogori, a gendarme who in July 1999 fired on a group of villagers in Gourma and wounded nine persons and killed another.

During the year, approximately 10,000 government armed forces engaged in sporadic battles with 1,000 to 2,000 insurgents in the Tebesti region in the northwest part of the country. Both government and insurgent forces suffered heavy casualties, including members of the leadership. On July 17, the Government suffered heavy casualties when the insurgents seized a major base. At year's end, the fighting intensified, and there were heavy casualties on both sides.

Throughout the year, members of the Tibesti rebellion reported that members of the army committed human rights abuses and killed suspected collaborators among the civilian population.

Landmines laid by government, foreign, and rebel forces in previous years caused several deaths and injuries during the year.

*b. Disappearances.*—In May soldiers in Tibesti followed and opened fire on businessman Souleyman Toke and a friend who were returning from Libya by car. Souleyman's friend was injured seriously and evacuated to Faya hospital. Toke was accused of supporting the Togoimi rebellion and sent to N'Djamena. He has not been seen since that time.

Cases of disappearances from 1998 remained unsolved. Political detainees either eventually are released or they disappear. In February 1998, security forces arrested Kibel Justin in Sarh for suspicion of aiding rebel leader Dr. Nahor Ngawara Mamouth. Although most of the detainees who were held for complicity in Dr. Nahor's 1998 kidnapping of four Frenchmen were released in July 1998, Kibel Justin cannot be accounted for nor has he been located in other prisons.

*c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically prohibits torture and degrading or humiliating treatment; however, members of the security forces tortured, beat, abused, and raped citizens. During the year, three members of the security forces were prosecuted; however, they escaped from prison.

In March a group of policemen led by the deputy police chief of Pala beat Tegalou Mbaiky, a local secondary school teacher. They subjected him to various forms of torture including "arbatachar" (where the victim's arms and legs are tied behind his back cutting off circulation and sometimes resulting in paralysis). The police then dragged Mbaiky to the jail, which was approximately 45 yards away, where he was detained without charge or trial; however, by year's end, he was released.

In March according to human rights groups, uniformed soldiers threatened and harassed the wife and minor children of rebel leader Youssouf Togoimi. In March the Government refused to issue them passports. In another attack upon Mrs. Togoimi, according to *Le Temps*, security forces were prevented from entering her home by relatives; however, on March 17, they beat her as she left her home. In April members of the armed forces illegally evicted the Togoimi family from their home in N'Djamena. At year's end, they were staying with a relative in N'Djamena with their movements closely observed by government security agents. No charges were filed against Mrs. Togoimi.

In May eight armed Republican Guards reportedly kidnaped 10 persons from a public park in N'Djamena, killing 1 and seriously injuring the others (see Section 1.a.).

In May 12 customs agents beat Armel Ramadji, a high school student, and fractured his skull. The newspaper *Le Temps* reported that Ramadji was returning home about 5:00 p.m. when he was stopped by several customs agents. The agents reportedly believed he was a smuggler, ordered him to open his briefcase, and then began beating him. Also in May, members of the N'Djamena police severely beat a civilian, Abdoulaye Absakine. The police chief reportedly ordered one of his agents to shoot Absakine, but the agent refused to do so.

In June the army badly beat and tortured inhabitants of several villages in the south—Bessokoyan, Bekolo, Bembaitada, and Bamadja—whom they accused of supporting the rebel chief Kette Nodji Moise. Soldiers beat the Bessokoyan village chief, Gaston Gangnon, and tortured the chief of Bekolo, paralyzing his left arm. Soldiers also raped women in the villages and stole possessions.

On August 15, five soldiers attacked and stoned a defendant at a session of N'Djamena's criminal court. The soldiers were friends of the person the defendant was accused of murdering. Later that day, the Minister of Justice publicly criticized the attack and said that the soldiers should protect the courts, not abuse them. On

August 17, the Minister of Defense delivered the five soldiers to the Minister of Justice. Four of the five were convicted and sentenced to 4 years in prison without parole and fined \$100 (75,000 CFA); one of the accused was acquitted.

On October 5, two security officials reportedly beat and abused a Zaghawa tribesman by the name of Hissein who was acting erratically near a Western embassy. He died at his home 3 days after his release from the National Security prison on October 11. At year's end, no action had been taken against the officials.

After obtaining authorization from President Deby, victims filed a class action suit against torturers in the Habre regime on January 25; however, at year's end, the action had not been adjudicated.

In September 1999, members of police and military forces tortured a businesswoman. Although President Deby dismissed the Minister of Justice and other senior officials as a result of the negative publicity generated by the incident, there was no legal action against the police or military officials. No action was taken against the military officers and ANS agents who tortured Dr. Djibrine Ibrahim from February 1998 to June 1999. The Government did not permit Dr. Ibrahim legal counsel nor did it bring him before a judge on formal charges. No action was taken against police who dispersed demonstrations in February 1999 and injured two students. No action was taken against members of the N'Djamena gendarmerie who severely beat a member of the National Sugar Society for allegedly embezzling funds, nor against two members of the Ati gendarmerie who broke the arm of a student in January 1999.

The Special Weapons and Tactics (SWAT) Unit (RAID), a specialized police unit under the Ministry of Interior's authority, which committed numerous human rights abuses in previous years, was disbanded in 1999. During the year, a new chief of the Police Rapid Action Company (CARP) dismissed corrupt members of the unit.

Impunity for those who commit human rights abuses remained widespread. Prison conditions were harsh and life threatening. Prisons were characterized by serious overcrowding; poor sanitation; inadequate food, shelter, and medical facilities. The Government reported that there were 2,385 prisoners in 46 operational prisons throughout the country with one-third in N'Djamena's Central Prison. The prison, reportedly scheduled to be completed in June, did not open during the year. Juvenile males were held with adult male prisoners. Female prisoners usually were separated from males. The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this was not done. The law authorizes forced labor in prison.

In 1999 human rights organizations called on the Government to investigate numerous accusations by citizens in the Kenga canton of the Guera prefecture who claimed that the canton chief was operating a private prison in which some prisoners were tortured and whipped. During the year, observers reported that the canton chief had closed the prison and that no prisoners were being held.

The Government permitted the International Commission of the Red Cross (ICRC) to visit all prisons including some military prisons, although the Government insisted on advance notice; the ICRC conducted 25 prison visits during the year. Domestic nongovernmental organizations (NGO's), including human rights groups, may visit a prison only with authorization from a court or from the Director of Prisons. These groups reportedly were not allowed access to military prisons, and their access to civilian prisons depended greatly on the personal inclinations of judges and prison administrators.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continue to use arbitrary arrest and detention. A judicial official must sign arrest warrants; however, the Government often does not respect this requirement.

In January the director general of SONASUT (sugar parastatal), Ali Abderamane Hagggar, submitted his resignation, and President Deby jailed him and ordered an investigation of SONASUT's finances to determine if there had been corruption. After an exhaustive investigation and being charged with misappropriation of public funds, Hagggar was declared innocent and released from jail 8 months later. In March the police chief of Pala arrested and tortured a schoolteacher, Tigalou Mbaiky (see Section 1.c.). He was detained without charge or trial, and a human rights organization reported that he was released by year's end. In May the Sultan of Kanem arrested a large number of adherents of an Islamic group, Faydal Djaria (see Section 2.c.).

A relative of an advisor to the rebel Togoimi reported that the police arrested him and 25 other Toubou men in April. The person is now free, but he reported credibly to a human rights group that the other 25 men were killed.

Members of a special police unit (CARP) under the Ministry of Interior's authority were responsible for numerous cases of arbitrary arrest and detention; they beat,

tortured, and raped detainees, without sanction by government authorities. Subsequently the CARP chief was replaced, and one officer was fired for abuses; however, legal authorities took no action against him.

In January the Association of Chadian Jurists (AJT) protested the detention of Ali Abderaman Haggar and Malloum Maina, who were detained illegally for 5 and 24 days respectively in 1999 before being officially charged; they were never tried or convicted, but were imprisoned for 8 and 9 months respectively before being released in January. In a January press release, the Chadian League for Human Rights denounced the political nature of their arrest.

Persons accused of crimes may endure up to several years of incarceration before being charged or tried, especially those arrested for felonies in the provinces, who must await remand to the overcrowded house of detention in N'Djamena.

Human rights organizations cited the cases of over 100 detainees held from as early as 1996 by the canton chief in Kenga, Guera, who was accused of operating a private prison and abusing his authority in numerous cases; however, the prison was closed during the year, and no prisoners were being held at year's end.

The Government continued to hold political detainees. Detainees implicated in Dr. Nahor's rebellion in 1998 remained in jail without charges and without trial at year's end. Despite the arrests of individuals on suspicion of subversive activities against the Government, no one has been tried for such crimes since Deby came to power. Political detainees either eventually are released or they disappear (see Section 1.b.). In June 1999, the army returned from the Democratic Republic of the Congo with a group of Congolese prisoners of war, many of whom were ordinary civilians. Although the Government claimed that they were Ugandan and Rwandan soldiers, the group consisted entirely of Congolese nationals who were housed initially at a military facility in N'Djamena but were exchanged for Chadian detainees in 1999.

The Government does not practice forced exile; however, some family members of persons who have joined the northern rebellion choose to leave Chad for security reasons.

*e. Denial of a Fair Public Trial.*—The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice government officials and other influential persons often enjoyed immunity from judicial sanction. During the year, the President intervened in a number of legal cases for political reasons. Ali Abderamane Haggar and Malloum Maina were accused of misappropriation of funds and imprisoned for 8 and 9 months respectively (see Section 1.d.); they were never tried or convicted but were released in January. President Deby supported the prolonged incarceration of these two former administrators despite a lack of evidence. In April the Chief Justice demoted two Supreme Court justices, Maki Adam and Ruth Romba, reportedly because they made a decision adversely affecting the interests of the Chief Justice.

On August 15, five soldiers attacked and stoned a defendant at a session of N'Djamena's criminal court. The soldiers were friends of the person that the defendant was accused of murdering. Later that day, the Minister of Justice publicly criticized the attack and said that the soldiers should protect the courts, not abuse them (see Section 1.c.).

On April 28, 1999 President Deby swore in 16 members of the Supreme Court as well as 9 members of the Constitutional Court. In May the National Assembly enacted legislation calling for the election of 15 members of the High Court of Justice; however, they were appointed by President Deby and the president of the National Assembly. The court began formal operations on May 24 after the justices were appointed. The establishment of these bodies fulfills the Constitution's mandate for an independent judicial branch; however, due to inadequate funding, the Supreme Court and the Constitutional Court did not begin operations until October.

The Constitution mandates a Superior Council of Magistrates to act as a guarantor of judicial independence; however, at year's end, it had not been established. The national judicial system operates with courts located in provincial capitals. The N'Djamena court of appeals is supposed to conduct regular sessions in the provinces, but funding limitations do not permit the court to make periodic circuit visits.

Applicable law can be confusing, as courts often tend to blend the formal French-derived legal code with traditional practices. Residents of rural areas often lack effective access to formal judicial institutions. In most civil cases, they rely on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions may be appealed to a formal court.

Official inaction and executive interference continue to plague the judiciary. Long delays in trials result in lengthy pretrial detention (see Section 1.d.). The 48-hour temporary police custody period after which a prisoner can be released if not

brought before a judge is not respected. Prisoners are not released but remain in jail due to lack of evidence, witnesses, or poor preparation of their cases.

The salaries of judicial officials often are low. Although the Government has stated that the strengthening and reform of the judiciary are top priorities, it made little progress in these areas.

The Government has not enforced the Military Code of Justice since the 1979-80 civil war, and courts-martial instituted early in the Deby regime to try security personnel for crimes against civilians no longer operate.

There were no reliable figures concerning the number of political prisoners. During the year, the Government reported that there were no political prisoners. In June detainees implicated in Kette Moise's rebellion, Charles Mbairem, Padja Ortingar, Mbairassem Elysee, Djikosse Nidja, Tadjimbaye, and Michel Mbailemel received public trials. However, other individuals arrested for suspicion of subversive activities against the Government in the Tibesti region simply were released, or they disappeared (see Sections 1.b. and 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy of home, correspondence, and other communications, as well as freedom from arbitrary search; however, authorities infringed on those rights. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice security forces ignored these provisions and conducted extrajudicial searches at any time.

The Government engages in wiretapping without judicial authority, monitors the contents of private mail through the postal service, and monitors private e-mail through the main post office server. The president of the political party Mouvement pour la Democratie au Chad reported to human rights groups that his telephone line continued to be tapped. According to a local newspaper, the N'Djamena Hebdo of March 16, the telephone lines of two embassies and opposition supporters also were tapped.

The Government illegally and forcibly conscripted young men from eastern Chad and Sudan into the army where they were trained for fighting against rebel forces in northern Chad.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government at times infringed on this right in practice. The Government continued to threaten journalists with legal retaliation for publishing material on the rebellion in the northern part of the country or about senior government officials accused of corruption or responsibility for attacks on Chadians in Libya. However, although the Minister of Communications labeled such material as seditious and urged the press not to publish it, the Government did not retaliate legally against journalists or other media for such coverage during the year. Several opposition newspapers strongly criticized government actions, and the Government did not prosecute private print journalists for libel.

The Government controls the newspapers Info Tchad and Victoire and influences Le Progres; however, it does not dominate the press. A number of private newspapers are published in the capital; most were extremely critical of government policies and leaders.

The Government reacted strongly to the Le Temps and L'Observateur editions of March 5 and 10. L'Observateur published a picture of rebel leader Togoimi in a vehicle with heavy weapons; Le Temps accused the President's party (MPS) of being Fascist. Both newspapers received unspecified threats from government officials. On March 10, the Le Temps editor Nadjikimo Benoudjita reported that both he and L'Observateur editor Sy Koumbo Gali had heard rumors of possible reprisals at their offices by state security forces; however, no official action was taken.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio is the most important medium of mass communication and information. La Voix du Paysan, which is owned by the Catholic Church, began operating in 1997. Located in Doba, it broadcasts locally produced programming including news coverage and political commentary in French and indigenous languages over a 140-mile range. The High Council on Communications (HCC), an independent institution, has set the licensing fee for a commercial radio station at a prohibitively high level: approximately \$9,000 (5 million CFA) per year, 10 times the fee for radio stations owned by nonprofit NGO's like La Voix du Paysan. A community radio station in N'Djamena, DJA-FM99 received a license in 1999 from the HCC; DJA-FM99 began operations in May 1999 and programming in October 1999, but it only broadcast music. Station FM Liberte, owned by a group of human rights organizations,

also received a license in 1999, but it did not start operations and programming until August.

The Government owns and operates the only domestic television station. There have been no requests to establish a private television station as the economic preconditions, such as a sizeable audience with purchasing power, do not exist. There is one privately owned cable television station service that distributes foreign-sourced programming in French and Arabic, but relatively few citizens can afford to subscribe to the service. A South African cable station also sells subscriptions.

The sole Internet access server is provided by the government-owned telecommunications monopoly. The Government does not restrict access to the Internet; however, the state-owned firm reportedly set prices and provided a quality of service that has discouraged the establishment of private domestic Internet service providers.

The official media, consisting of a national radio network, a press agency, and N'Djamena's only national television station, are subject to both official and informal censorship; however, at times they were critical of the Government. The official media also gave top priority to government officials and events, while providing less attention to the opposition. The HCC acts as an arbiter whose main function is to promote free access to the media; however, it has no powers of enforcement.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law. In September the Ministry of Interior refused permission to Njarlely Yorongar, leader of the Federation-Action-Republic political party, to hold a meeting. Les Forces Vives, an association of political parties, also was waiting for permission from the Interior Ministry to hold a march; they were denied permission, and at year's end, they had not been authorized to hold a march. By contrast peaceful demonstrations in support of the Government and its policies are condoned.

The Constitution provides for freedom of association, and the Government respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respects this right in practice; however, at times it limited this right. The Constitution also provides that the country shall be a secular state; however, despite the secular nature of the state, a large proportion of senior government officials, including President Deby, are Muslims, and some policies favor Islam in practice. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government requires religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration confers official recognition but not any tax preferences or other benefits. There are no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process is unduly burdensome. The Government reportedly has denied official recognition to some groups of Arab Muslims in Ati, near the eastern border with Sudan, on the grounds that they have incorporated elements of traditional African religion, such as dancing and singing, into their worship. Non-Islamic religious leaders claim that Islamic officials and organizations receive greater tax exemptions and unofficial financial support from the Government. State lands reportedly are accorded to Islamic leaders for the purpose of building mosques, while other religious denominations must purchase land at market rates to build churches.

On May 31, the Supreme Court rejected a request from one branch of a Christian evangelical church to deny government recognition to its independent sister branch. In 1998 the Eglise Evangelique des Freres (EEF) split into moderate and fundamentalist groups. The moderate branch of the EEF retained the legal registration for the Church, but on April 7, 1999, the Ministry of Interior awarded recognition to the fundamentalist branch under a new name, Eglise des Freres Independentes au Tchad (EFIT). Since 1999 the EEF branch has sought to bar the EFIT church legally from practice, and ultimately the case went before the Supreme Court, which upheld the rights of the EFIT to continue its religious work and its right to function.

The Government has imprisoned and sanctioned fundamentalist Islamic imams believed to be promoting conflict among Muslims.

A fundamentalist imam in N'Djamena, Sheikh Faki Suzuki was restricted from preaching Islam for 6 months, from October 1998 to March 1999, and the authorities also placed him under house arrest during the same period. Although no longer

under house arrest, Suzuki has experienced problems since the beginning of the year with the Islamic Committee in N'Djamena for painting their name and logo on his car. He was warned twice to not represent the committee, and he responded by removing the committee name from his car. In January 1999, the Government arbitrarily arrested and detained Imam Sheikh Mahamat Marouf, the fundamentalist Islamic leader of the northeastern town of Abeche, and refused to allow his followers to meet and pray openly in their mosque. Sheikh Marouf was released from prison in November 1999 after nearly 1 year in jail. Sheikh Marouf may pray but is not permitted to lead prayers. His followers are allowed to pray in their mosques, but they are forbidden from debating religious beliefs in any way that might be considered proselytizing; however, the Tidjani followers throughout the country are allowed to proselytize.

In both instances, the Government claimed that the imams were responsible for inciting religious violence; their followers rejected the Government's claim and cited religious differences with the Government.

On May 25, the Sultan of Kanem arrested a large number of adherents of an Islamic group, Faydal Djaria. The group arrived in the country from Nigeria and Senegal and incorporates singing and dancing into its religious ceremonies and activities. The group is found from the Kanem region around Lake Chad into neighboring Chari Baguirmi. The Chadian Superior Council of Islamic Affairs considered that the Faydal Djaria group does not conform to Islamic tenets, and it requested the Ministry of Interior to arrest the group's spiritual leader, Ahmat Abdallah. In January 1998, the Minister of Interior banned the group; however, from the beginning of the year, the group was increasingly active, resulting in the arrests in the Kanem. The new Director of Religious Affairs at the Ministry of Interior requested that the Superior Council of Islamic Affairs provide the specific sections of the Koran that support the ban of the group. There was an undetermined number of Faydal Djaria prisoners in Kanem at year's end.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights; however, there are some limits on them in practice. The Government did not require special permission for travel in areas that it effectively controls; however, elements of the security forces, rebels, and bandits continued to maintain many roadblocks throughout the country, extorting money from travelers. The Government did not officially condone such behavior on the part of members of security forces, but it did not discourage it effectively. In addition armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 1.a.).

In March the Government refused to issue passports to the wife and children of rebel leader Togoimi. At year's end, Togoimi's family limited their movements in response to government surveillance; they did not pursue their request for passports, despite the Ministry of Interior's statements indicating that the Government was disposed to reconsider favorably the Togoimi family's earlier request (see Section 1.c.).

Some family members of persons who have joined the northern rebellion choose to leave Chad for security reasons.

The Government adheres to the principles of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, these principles are not incorporated into the law. An official national structure, the National Committee for Welcoming and Reinsertion, is in place to deal with domestic and foreign refugee affairs. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Since 1993 the Government has registered refugees in N'Djamena and sent their applications for refugee status to UNHCR Central African headquarters in Kinshasa, the Democratic Republic of the Congo, or other regional UNHCR offices in Africa. A person whose application is accepted is eligible to enroll in a 6-month care maintenance program that includes a monthly subsistence allowance, medical care, and assistance in finding work. This program is funded by a local NGO. The Government provides first asylum for refugees and has done so in past years. The Government has granted refugee and asylee status informally to persons from Sudan and the Republic of the Congo and has allowed them to remain for resettlement. The World Refugee Survey stated that the country hosted 20,000 Sudanese refugees.

Chadian refugees are legally free to repatriate. In May the Cameroonian Government repatriated 300 Chadian refugees to Lere, with the assistance of the UNHCR. This group is the first of 2,400 Chadian refugees who fled the country during the civil war in 1980. In October about 350 families were repatriated from Libya after clashes between Libyans and Sub-Saharan Africans, which were described in the press as xenophobic. Most Chadian refugees reside in the Central African Republic,

Niger, Libya, Sudan, Nigeria, and Cameroon. The World Refugee Survey stated that approximately 15,000 Chadians were refugees (5,000 in the Central African Republic, 5,000 in Sudan, 3,000 in Cameroon, and 1,000 in Nigeria).

A group of foreign individuals, mostly Sudanese, claiming to be refugees, continue to charge that foreign officials often monitor refugees applying at the UNHCR branch office in N'Djamena and have stated that this surveillance intimidates some refugees. There were no confirmed reports of the forced expulsion of persons with a valid claim to refugee status, but refugees continue to complain about threats to their safety while waiting for their cases to be adjudicated.

There were no known instances of persons being returned to a country where they feared persecution. Persons forcibly repatriated by Sudan and initially under movement restrictions were free to leave the country during the year.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The 1996 presidential election and the 1997 National Assembly elections, in which President Deby's MPS party won 65 of a total of 125 seats in the National Assembly, were the first multiparty elections in many years; however, both elections were compromised by widely reported fraud, including vote rigging and other irregularities committed by election officers, government officials, members of the ruling party, and others.

The Government is headed by a prime minister who is nominated by the President and confirmed by the National Assembly. In December 1999, President Deby replaced former Prime Minister Nassour Ouaidou Guelengdouksia with Nagoum Yamassoum.

The State remains highly centralized. The national government appoints all sub-national government officials, who must also rely on the central government for most of their revenues and their administrative personnel. Using its parliamentary majority, the Government passed twin legislative bills in 1999 outlining the country's proposed decentralization structure for local government elections as required by the Constitution. Local elections have been delayed since the conclusion of the 1997 parliamentary elections and had not taken place by year's end. In September 1999, the Constitutional Court returned both legislative bills to the Parliament after finding that they violated the Constitution. On January 4, the Constitutional Court rejected a decree redrawing provincial borders and separately rejected the bill on decentralization.

Many political parties objected to the Government's proposed decentralization plan and presidentially decreed internal territorial divisions, which appeared to be an attempt at gerrymandering. Opposition political leaders accused the Government of coopting their most popular local politicians to run as MPS members in upcoming local elections and also alleged intimidation by the military against those party members who refused.

The National Assembly created an Independent Elections Commission (CENI) in September to prepare for the presidential and National Assembly elections. The President's political party dominates the CENI.

Women are underrepresented in government and politics; few women hold senior leadership positions. There is 1 woman of cabinet rank, and there are 3 women who are members of the 125-seat National Assembly.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights organizations generally operate with few overt restrictions, investigating and publishing their findings on human rights cases; however, the Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation. Government officials often are accessible to human rights advocates; however, they generally are unresponsive or hostile to their findings. Incidents between state security forces and human rights activists occurred in Kelo, Bessao, and Bedaralal.

Human rights groups are outspoken, and often partisan, in publicizing the abuses through reports, press releases, and the print media, but only occasionally are they able to intervene successfully with authorities. They often send statements to diplomatic missions and international NGO's. Many human rights groups are composed of opponents of the Government, which impairs their credibility with the Government and also with international organizations.

NGO's have gained recognition under the Deby regime and play a role in political events. Human rights groups have assisted the Government in meditation efforts to

reconcile the ancient conflict between herders and farmers over land and water rights.

At the turn of the year, the Collective of Human Rights Associations, consisting of five human rights organizations, issued a declaration urging the Government to respect human rights; at year's end, there was no government response.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status. In practice cultural traditions maintain women in a status subordinate to men, and the Government favors its ethnic supporters and allies.

*Women.*—Domestic violence against women is believed to be common, although no statistics were available. By tradition wives are subject to the authority of their husbands, and they have only limited legal recourse against abuse. Family or traditional authorities may act in such cases; however, police rarely intervene.

Discrimination against women remains widespread. In practice women do not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws do not discriminate against women, but traditional practice favors men. The exploitation of women is especially pervasive in rural areas, where women do most of the agricultural labor and are discouraged from formal schooling. Illiteracy was estimated at 65 percent for women, but only 38 percent for men. Under the law, polygyny is the norm; however, spouses may opt for monogamy. If a monogamous relationship is violated, the marriage may be dissolved at the wife's request alone; however, she must repay the dowry and other expenses related to the marriage.

During the year, the Government promoted increased awareness of women's rights by sponsoring a national women's march in N'Djamena on October 17. In August 1999, the Government held meetings with representatives of religious groups and civil society to update the Family Code. In the absence of a comprehensive law governing women's rights, the Family Code sets the parameters of women's rights under the law. In a subsequent meeting with the national women's group during the year, the group called upon the Government and the rebels to cease the fighting in the Tibesti.

*Children.*—The Government took several actions to improve children's rights and welfare, but it devoted few resources and little attention to implementing its proposals. Although the Government continued to increase modestly its assistance to the education sector, it has not committed adequate funding to public education and medical care. Government education policy for children and youth is focused on increasing classroom facilities and infrastructure.

The Government does not enforce compulsory education. The Constitution provides for free education; however, parents complained that they must pay tuition to public schools. Educational opportunities for girls are limited, mainly because of tradition. About as many girls as boys are enrolled in primary school, but the percentage of girls enrolled in secondary school is extremely low, primarily because of early marriage. Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law is rarely enforced, and families arrange marriages for girls as young as the age of 12 or 13; the minimum age for engagements is 11 to 12. There are some forced marriages, for the financial gain of a dowry (see Section 6.c.). Many young wives are then forced to work long hours of physical labor for their husbands in fields or homes. Children also work in agriculture and herding (see Section 6.d.).

The law considers any citizen under the age of 18 years as a minor. Sexual relations, even with consent, before the age of 13 years are considered to be rape and the prescribed sentence is for hard labor in perpetuity; the age of consent is 14. Rape of children and child abuse are problems.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and deeply rooted in tradition. A U.N. study in 1995 estimated that approximately 60 percent of all females have undergone FGM; the practice is especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM are practiced; the least common but most dangerous and severe form of FGM, infibulation, is confined largely to the region on the eastern border with Sudan. FGM usually is performed prior to puberty as a rite of passage and an occasion during which many families profit from gifts from their communities.

Opposition to the elimination of FGM is strong. Both the Government and the NGO community in recent years have conducted active and sustained public edu-



cation campaigns against this practice. The Ministry of Social Action and the Family is responsible for coordinating activities to combat FGM. The law makes FGM theoretically a prosecutable offense as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; however, no suits have been brought under the law. A law to criminalize the practice of FGM was passed by the Council of Ministers; however, by year's end, no action had been taken by the National Assembly.

*People with Disabilities.*—There is no official discrimination against disabled persons; however, the Government operates only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate access to buildings for the disabled. Several local NGO's provide skills training to the deaf and blind.

*Religious Minorities.*—Although the different religious communities generally co-exist without problems, there were reports of increasing tension between Christians and Muslims due to the proselytizing by evangelical Christians. In addition tensions and conflicts between government supporters from the politically dominant northern region and rebels from the politically subordinate southern region occasionally have religious overtones.

*National/Racial/Ethnic Minorities.*—There are approximately 200 ethnic groups, many of which are concentrated regionally and speak distinct primary languages. Most ethnic groups are affiliated with one of two regional and cultural traditions: Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto segregation in urban neighborhoods, and in the paucity of inter-ethnic marriages, especially across the north-south divide. Although the law prohibits state discrimination on the basis of ethnicity, in practice ethnicity continued to influence government appointments and political alliances. Northerners, in particular members of President Deby's Zaghawa ethnic group, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff. Political parties and groups generally continued to have readily identifiable regional or ethnic bases.

In the army's struggle against the Tibesti rebels, hundreds of soldiers were killed or injured by landmines in 1998 and 1999; deaths and injuries from landmines continued during the year. In 1999 the Government exhibited a pattern of discrimination in selectively separating wounded northerners, especially Zaghawa, from southerners for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated wounded southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity; however, there were no similar reports during the year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution recognizes freedom of association and union membership, as well as the right to strike, and the Government generally respected the right to organize and strike in practice. All employees, except members of the armed forces, are free to join or form unions. However, few workers belong to unions, since most workers are unpaid subsistence cultivators or herders. The main labor organization is the Federation of Chadian Unions (UST). Its former major constituent union, the Teacher's Union of Chad, broke off from UST and became independent in 1998. Neither union has a tie to the Government. A number of minor federations and unions, including the Free Confederation of Chadian Workers, also operated, some with ties to government officials.

Ordinances of the law permitted forced labor imprisonment for participation in strikes; however, there was no such punishment during the year.

The 1996 Labor Code ended long-standing legal restrictions on trade union rights; however, there were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed is still in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. Although the Government allegedly has applied this law to unions on several occasions despite assurances that only the Labor Code would govern the unions, there were no reports of such action during the year.

A strike by butchers from January to March was provoked by the new value added tax and caused a shortage in the meat supply for several weeks and a consequent price increase for meat.

Labor unions have the right to affiliate internationally. The Union des Syndicates du Tchad (UST) affiliates with the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights. The Labor Code empowers the Government to intervene in the bargaining process under certain circumstances.

The Labor Code protects unions against antiunion discrimination, but there is no formal mechanism for resolving such complaints.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and the Labor Code prohibit slavery and forced or compulsory labor by adults and children; however, there were reports of forced labor practices in the formal economy, and isolated instances of forced labor by both children and adults in the rural sector by local authorities as well as in military installations in the north. During the year, a local newspaper reported that workers in SONOSUT, the sugar parastatal, were forced to work but were not paid. Some young girls were forced into marriages by their families; these girls then were forced to work in their husbands' fields or homes (see Section 5). There were reports that Zaghawas were conscripted forcibly into the armed forces throughout the year. In December security forces in N'Djamena reportedly rounded up army deserters and other individuals described as bandits, sent them to the northern military front, and forced them to fight alongside government troops. Ordinances of the law permitted forced labor imprisonment for participation in strikes.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code stipulates that the minimum age for employment in the formal sector is 14 years; however, the Government does not enforce the law in practice. Children are rarely employed except in agriculture and herding due to the high unemployment rate; however, in agriculture and herding, nearly all children work. Children rarely are employed in the commercial sector; however, some children work on contract with herders.

Abusive and exploitative child labor exists and affects an estimated 19 percent of children between the ages of 6 and 18 years of age. For example, Ngaryade Togyambaye, a 12-year-old student in the third grade, and Nanguerimbaya Masrabaye, a 16-year-old student in the sixth grade, were taken from school and delivered by their father, Ngaryade Victor, to Ahmat Izergue, a herder, for \$13 (6,600 CFA). Such practices are a consequence of parental resignation, dislocation of the family unit, endemic poverty, lack of appropriate legal protection, demographic and population explosion, and civil war. The instability resulting from civil wars contributed to the Government's limited ability to improve living conditions of children. Despite the ratification of international conventions on child labor, no government policies protecting child labor existed before the National Assembly ratified the Convention on Children's Rights on August 4.

There were reports that in the southern part of the country, families contract out their children to Arab nomadic herders to help care for their animals, and the children often are abused and return with little financial compensation for their work. Some children work as domestic servants in the households of relatives for little compensation.

The Government does not support the use of minors in the military, and observers believe that most minors were demobilized in 1997; however, there were credible reports that minors continue to serve in the military. President Deby reportedly conscripted teenage Zaghawa to fight in the Tibesti.

During the year, the Government sponsored a number of workshops, seminars, and radio broadcasts to raise awareness of the abuses of child labor and to advocate elimination of the worst forms of child abuse. The Council of Ministers adopted ILO Convention 182 on the worst forms of child labor in October 1999, and the National Assembly ratified the convention in August. The labor law states anyone under the age of 18 is a minor, and, in accordance with ILO Convention 182, it prohibits children from undertaking "any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

The Government prohibits forced and bonded labor by children; however, it does not enforce this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The Labor Code applies to both foreign and domestic workers and requires the Government to set minimum wages. The minimum wage at year's end was \$50 (25,480 CFA) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the min-

imum wage, but the lowest public sector wages remained below the minimum wage. The Government increased civil servant's salaries by 5 percent in January 1999, but salaries were not increased subsequently. In 1999 the Government reduced wages paid to the armed forces, which were already well below the minimum wage.

The State, which owns businesses that dominate many sectors of the formal economy, remained the largest employer. The Government reduced significantly the large salary arrears owed to civil servants and military personnel, although some arrears remain. Nevertheless, wages remained low and many state employees continued to hold second jobs, raise their own food crops, or rely on family members for support.

The law limits most agricultural work to 39 hours per week, with overtime paid for supplementary hours. Agricultural work is limited to 2,400 hours per year. All workers are entitled to an unbroken period of 48 hours of rest per week, although in practice these rights rarely are enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely are respected in practice in the private sector and nonexistent in the civil service. The UST has alleged before the ILO that the labor inspection service is not allocated the resources necessary to perform its duties. In principle workers can remove themselves from dangerous working conditions; however, in practice they cannot leave without jeopardizing their employment.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental organization focused on the potential problem, and no economic or financial aid would be available unless a victim seeks damages in court. The Government has sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers.

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## COMOROS

The Federal Islamic Republic of the Comoros is ruled by Colonel Azali Assoumani, who took power in a coup in April 1999. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Comoros has been prone to coups and political insurrection since independence in 1975. In April 1999, army commander Colonel Azali staged a bloodless coup and overthrew President Tadjidine Ben Said Massounde, the Interim President who had held office since the death of democratically elected President Mohamed Taki Abdoukarim in November 1998. In December 1999, in response to international criticism, Azali appointed a civilian prime minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief. When he took power, Azali said that he would step down on April 14 and relinquish power to a democratically elected president, but by year's end, he had not done so. In May 1999, Azali decreed a Constitution that gave him both executive and legislative powers. In August Azali organized a national congress in response to pressure from his political supporters to restore civilian rule. Opposition parties boycotted the National Congress, but pro-Azali parties participated. The Congress agreed on a new constitution in which Azali would remain Head of State, but daily government administration would be handled by the civilian Prime Minister and the Council of State, which would act as both a legislature and constituent assembly. In November a Tripartite Commission, composed of representatives from Grande Comore, Moheli and Anjouan, was inaugurated and charged with developing a new constitution based on the Fomboni Declaration—an agreement between the Government and Anjouan—and the constitution that was articulated by the National Congress in August. In December Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet. The opposition parties initially refused to participate in the Tripartite Commission, but in December met with the Azali Government. At year's end, the Organization for African Unity (OAU) was mediating negotiations between the Government and the opposition on the provisions of the new constitution and a timetable for elections in 2001; however, it remained unclear whether the representatives from Anjouan would participate in or accept any agreement resulting from the negotiations. Although the OAU initially had maintained the position that the Antananarivo Accord was the only viable option to reunify the islands, in December the OAU stated its intention to accept an agreement that maintained the territorial integrity the country and that provided for a democratic constitutional

government. The August constitution provided for the continuation of an independent judiciary; however, it was not implemented by year's end. In the past, both the executive and other elites influenced the outcome of cases, and the executive intervened in at least two cases during the year.

The Anjouan secession crisis subsided after the August 26 signing of the "Fomboni Declaration of National Unity" by Azali and separatist leader Lieutenant Colonel Said Abeid. The Fomboni Declaration provides for a loose confederation between the islands, giving each island the ability to maintain an army and conduct its own foreign relations. On Anjouan the signing of the Fomboni Declaration resulted in 4 days of violent clashes between opponents and supporters of Abeid's separatist faction.

The Comorian Defense Force (FCD), and the gendarmerie are responsible for internal security and are under Azali's direct control. Security forces committed some human rights abuses.

The economy of this extremely poor country is dominated by agriculture. Revenues from the main crops—vanilla, essence of ylang-ylang, and cloves—continued to fall while the population of 547,600 has been growing at a rate of 2.7 percent annually. Per capita income was approximately \$400 per year in 1997—the national accounts have not been updated since 1998. The country depends heavily on foreign assistance from the European Union and Arab countries, including Bahrain, Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates.

The Government's human rights situation remained poor, and it continued to commit abuses. Citizens do not have the right to change their government. Security forces reportedly continued to threaten Christians. Separatist authorities on Anjouan tortured, beat, and raped opponents of the separatist Government. Prison conditions remain poor. Security forces and the separatist authorities on Anjouan used arbitrary arrest and detention. In at least two instances, the executive intervened with the judiciary. Authorities restricted citizens' privacy rights. There were infringements on freedom of the press and assembly and movement. The military Government limits freedom of religion. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings by security forces on Grande Comore or Moheli.

Between May 11 and 13, 1998, police clashed with protestors on Grand Comore over the May 6, 1998, government closure of the opposition party's Radio Tropicque. Police seriously injured several persons, but the only death reportedly was due to a traffic accident caused by the fighting. By year's end, no police officers were held responsible for their actions during the protests.

In addition to the police and the military, there are many groups throughout Anjouan that are armed, including paramilitary forces, militias, and civilians. In 1999 battles between rival militias resulted in approximately 12 deaths; however, there were no such deaths reported during the year.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution does not prohibit torture or other cruel, inhuman, or degrading treatment or punishment specifically; however, while there were no reports of security force brutality, police reportedly continued to threaten Christians on Grande Comore (see Section 2.c.).

On October 13, police used tear gas to disburse forcibly demonstrators protesting against rising fuel prices and protestors who were marching to the OAU offices in Moroni (see Section 2.b.). Police reportedly also threw tear gas canisters into private homes (see Section 1.f.). Two policemen and several protestors reportedly were injured, and some protestors reportedly were arrested.

Separatist security forces tortured, beat, and otherwise abused persons on Anjouan. There were reports that separatist security forces on Anjouan intimidated, arrested, and beat persons during the referendum at the end of January (see Section 3). In August separatist authorities on Anjouan arrested approximately 100 opponents of the Fomboni Declaration, following demonstrations against the agreement (see Section 1.d.). There were unconfirmed reports that as many as 28 of those arrested, who primarily were members of the Comoros Red Crescent Society and the opposition party GIRMA (Group for the Recovery Initiative for the Anjouan Movement), were tortured, and, in one case, raped. By November the Government had

freed all of those arrested; there were no reports of government action against those persons responsible for the abuses.

In April 1999, quasi-police authorities known as embargoes arrested, beat, and detained three local Christians; there was no further information on the incident at year's end. Prison conditions continued to be poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet are common problems. The military Government has not taken action to remedy these problems. Although there were reports of deaths as a result of disease in prisons in previous years, there were no reports of such deaths during the year. Female prisoners are held separately from male prisoners. Juveniles are not imprisoned; they are returned to the custody of their parents.

The military Government permits prison visits by independent monitors; however, no such visits occurred during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution does not prohibit arbitrary arrest and detention specifically, and there were instances in which authorities arbitrarily arrested and detained citizens. The new constitution, approved in August, prohibits arbitrary arrest and detention; however, it was not implemented by year's end.

Two Azali opponents who reportedly led a coup attempt in March were detained in a military prison. In November one of the opponents escaped from prison; the other opponent remained in detention at year's end (see Section 3).

On August 15, authorities arrested four opposition politicians, including Cheik Ali Bacar Kassim, former Member of Parliament (M.P.) and owner of the opposition radio station Radio Tropique, for allegedly plotting to overthrow Colonel Azali. The four were detained in a military prison, despite a judge's order to transfer them to the civilian prison in the capital of Moroni. Cheik Ali reportedly was denied access to defense counsel until he launched a hunger strike in protest (see Section 1.e.).

After the August demonstrations against the Fomboni Declaration, separatist authorities on Anjouan arrested and beat numerous opposition supporters (see section 1.c.). At the end of September, 3 of the approximately 100 persons arrested were freed by a tribunal in Anjouan's capital, Mutsamudu. At the end of November, authorities reportedly freed Kassim on the condition that he leave the country; when he refused to leave, he reportedly was returned to prison. No trial date had been scheduled by year's end.

On Anjouan local authorities continued to attempt to suppress or convert the Christian minority.

On October 13, police arrested approximately 20 persons while dispersing a demonstration in Moroni; police broke into houses and one mosque to make arrests (see Section 1.c., 1.f., 2.b., and 2.c.). The protestors were released within 24 hours, and no charges were filed against them.

One Anjouanais Christian estimated that approximately 50 Christians, both men and women, were detained in Anjouan by embargoes during the past 18 months.

In September 1999, secessionist authorities on Anjouan exiled a group of opponents to Mayotte, then imprisoned several of the group's leaders when they were sent back to Anjouan by French authorities. The opponents were released from prison in early October, and no charges were filed against them.

The Constitution does not prohibit forced exile, but the military Government did not use it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in the past, the executive and other elites have exercised influence over court cases, and the executive intervened in at least two cases during the year. The Head of State names magistrates by decree. In August despite regulations that prevent the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike calling for judicial reform and regular payment of salaries. In October Colonel Azali issued a presidential decree which reduced the number of Supreme Court justices from nine to five and transferred judges to other courts. Although the official reason for the action was a lack of resources, opposition critics accused Azali of punishing certain judges for questioning government policies and participating in a strike by judges and court personnel. In the case of detained opposition politician Cheik Ali Bacar Kassim and three others, the trial judge resigned in protest when authorities failed to obey his order to transfer the opposition leaders from a military prison to a civilian prison in Moroni. Authorities stated that the poor condition of the Moroni Prison prohibited the transfer.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also serves as the High Court of the Republic and rules on cases of constitutional law. The August Constitution, which was not implemented during the year, provides for equality before the law of all citizens and provides for the right of accused to

mount a defense. Trials are open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. After he was arrested in August (see Section 1.d.), opposition leader Cheik Ali was denied access to defense counsel for almost 1 month, but authorities allowed Cheik Ali's lawyer to visit him after he began a hunger strike. There are very few lawyers in the country, making it difficult to obtain legal representation. The military Government does not provide legal counsel to the accused. Most disputes are presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—There were no known cases of arbitrary interference with correspondence; however, police interfered with the privacy of the home. On October 13, during protests in Moroni, police reportedly raided houses by breaking down doors and throwing canisters of tear gas through windows; police arrested approximately 20 persons during the raids, and there were reports that some protestors and police were injured (see Sections 1.c. and 2.b.). Police also arrested worshipers in a mosque (see Sections 1.d. and 2.c.).

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

In October several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local Government in Mayotte announced new penalties against persons who housed or employed illegal immigrants (see Section 2.d.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution does not provide specifically for freedom of the press, and on at least one occasion authorities infringed on this right. In August former M.P. Cheik Ali Bacar Kassim, who also owns the independent radio station Radio Tropique and is a well-known opposition figure, was arrested for allegedly plotting to overthrow the Azali Government (see Sections 1.d. and 1.e.). The new constitution approved in August, provides for freedom of the press; however, it was not implemented during the year.

There are two independent newspapers that publish regularly. These newspapers exist side-by-side with the semiofficial weekly *Al-Watwan*. Some of the independent newspapers criticized the Government freely.

The government-controlled radio station, Radio Comoros, was the only national radio station until the opposition radio station Radio Tropique resumed operations in June 1999. In August Radio Tropique stopped broadcasting news for a week to protest the arrest of its owner, Cheik Ali Bacar Kassim. In addition there are at least 10 regional and local stations, some of which are openly critical of the Government. Residents also receive broadcasts from Mayotte Radio, as well as from French television, without government interference. A national television station is under construction with assistance from the Government of the People's Republic of China. There are several private local television stations, and satellite antennas are popular. Amateur radio licenses have been issued without hindrance in the past.

Foreign newspapers are available, as are books from abroad. Internet service was introduced in 1998.

In August 1999, an independent radio station on Anjouan, Radio Ushababi, which was opposed to the independence movement, reportedly was forced to cease broadcasting after being harassed by police and threatened on several occasions by a group of separatist militiamen. In November the station resumed broadcasting.

The Government respects academic freedom. There is no university, but secondary students and teachers spoke freely and criticized the Government openly. Strikes by teachers and students resulted in periodic school closures.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution does not provide specifically for freedom of assembly and association, and on at least one occasion the Government restricted this right in practice. The new constitution, approved in August, provides for freedom of assembly; however, it was not implemented by year's end.

On October 13, a general strike was held in the capital of Moroni to protest the rising cost of fuel. Police and protestors violently clashed after the demonstrators reportedly blocked roads with stones and burning tires. The protest began after an earlier demonstration by women in Mtsangani district was held to protest the military Government. There were reports that police raided numerous homes, disrupted persons in a mosque during prayers, and arrested persons during the incident (see Sections 1.d., 1.f., and 2.c.). Two policemen and several protestors reportedly were injured, and some protestors reportedly were arrested. There were also reports that

security forces used tear gas to disperse protesters who were marching to the OAU offices. Police briefly detained some of the protestors who were marching to the OAU offices. There were reports that some protestors and police officers were injured.

Between August 28 and 31 on Anjouan, separatist authorities clashed violently with opposition protesters who were demonstrating against the Fomboni Declaration of National Unity. Separatist authorities arrested as many as 100 of the protesters, some of whom reportedly were tortured and raped while in custody. (see sections 1.c. and 1.d.).

The Constitution does not provide specifically for freedom of association; however, the Government generally respects this right in practice. The new constitution, approved in August, provides for freedom of association; however, it was not implemented by year's end.

*c. Freedom of Religion.*—The Constitution does not prohibit discrimination based on religion or religious belief specifically, and authorities infringed on freedom of religion. An overwhelming majority of the population is Sunni Muslim, and authorities restricted the right of Christians to practice their faith. Police regularly threatened and sometimes detained practicing Christians. In previous years, the authorities held those detained for a few days and often attempted to convert them to Islam forcibly; however, there were no reports of such actions during the year. In October 1999, two citizens were arrested, tried, and convicted of “anti-Islamic activity” in part because they possessed Christian books and audiovisual material. One of the citizens was sentenced to 18 months in prison, while the other was sentenced to 4 months. Although in previous years, local government officials attempted to force Christians to attend services at mosques against their will, there were no reports of such incidents during the year. The Fombani Declaration that was signed by Azali and the Anjouan separatist leader in August included an agreement to make Islam the national religion. The constitution, approved in August, provides for equality of citizens under the law regardless of religion, belief, or ideology; however, it was not implemented by year's end.

During protests in Moroni on October 13, there were reports that police arrested persons inside a mosque while they were praying (see Section 1.f. and 2.b.).

There are two Roman Catholic churches and one Protestant church. However, prior to the April 1999 coup, the former military Government restricted the use of these three churches to noncitizens. There was no information available as to whether the new military Government continued this practice. Many Christians practice their faith in private residences. The Government permitted Christian missionaries to work in local hospitals and schools, but did not permit them to proselytize.

An Anjouanais Christian estimated that approximately 50 Christians, both men and women, have been detained by the embargoes during the last 18 months. In April 1999, embargoes on Anjouan arrested, beat, and detained three local Christians for a day. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution does not specifically provide for these rights and the military Government restricts these rights in practice. The new constitution, approved in August, provides for these rights; however, it was not implemented by year's end.

In February in response to a call by the OAU, the Azali Government imposed partial sanctions on Anjouan for its failure to sign the Antananarivo Accords by the February 1 deadline. These sanctions included travel and financial restrictions on Anjouan's leaders. In March broader sanctions were imposed on Anjouan, including restrictions on all telecommunications, air, and sea links, on oil and petroleum products, and on the non-recognition of travel documents and passports. Following the signing of the Fomboni Declaration in August, the Azali Government lifted the embargo unilaterally, permitting travel between Grande Comore and Anjouan. However, the embargo continued to be enforced by other nations.

There were reports during the year that persons fled Grand Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

Comorian illegal immigrants in Mayotte are sometimes harassed by citizens of Mayotte. For example, in October several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local government

in Mayotte announced new penalties against persons who housed or employed illegal immigrants.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. During the 1990's, refugees from central Africa fled to the country. Some have received asylum in other countries; approximately 10 of these refugees remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end.

*Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

The Constitution does not provide for the right of citizens to change their government specifically, and in practice citizens do not have this right. The Constitution states that national sovereignty belongs to the nation's citizens who may exercise it through referendums; however, the Government had not scheduled a referendum by year's end.

According to the Constitution, the Head of State is appointed by the national army and has legislative power, which he then delegates to the Prime Minister and the Council of State. All laws proposed by the Council must be approved by the Head of State. In December 1999, in response to international criticism, Azali appointed a civilian Prime Minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief.

In March dissident political and army elements attempted a coup against Azali. This coup was suppressed, and the leaders of the coup were detained. In November one of the detained leaders escaped from prison, and the other leader remained in detention at year's end. The Government had not filed charges against the coup leaders by year's end.

In August Azali organized a national congress in response to pressure from his political supporters to restore civilian rule. Opposition parties boycotted the National Congress, but pro-Azali parties participated. The Congress agreed on a constitution in which Azali would remain Head of State, but daily government administration would be handled by the civilian Prime Minister and the Council of State, which would act as both a legislature and constituent assembly. The constitution was approved the National Congress in August, but it was not implemented by year's end.

On August 26, the Fomboni Declaration was signed by Azali and separatist leader Abeid. The declaration was an agreement to create a "new Comorian entity," in which the islands would share a common policy on religion, nationality, currency, foreign relations, and defense. In November a Tripartite Commission, composed of representatives from Grande Comore, Moheli, and Anjouan, was inaugurated and charged with developing a new constitution based on the Fomboni Declaration—an agreement between the Government and Anjouan—and the constitution that was articulated by the National Congress in August. The opposition parties initially refused to participate in the Tripartite Commission, but in December they met with the Azali Government. By year's end, the OAU was mediating negotiations between the Government and the on the provisions of the new constitution and a timetable for elections in 2001; however, it remained unclear whether the representatives from Anjouan would participate in or accept any agreement resulting from the negotiations. Although the OAU had initially maintained the position that the OAU-brokered Antananarivo Accord was the only viable option to reunify the islands, in December the OAU stated that it would accept an agreement that maintained the territorial integrity of the country and that provided for a democratic constitutional government. On December 12, Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet, which is composed of Azali supporters.

There were no bans in effect on political parties, which continued openly to criticize the Government without penalty. There are 21 political parties in the country; 5 parties represent the Azali Government and 16 parties represent the opposition.

Village chiefs and Muslim religious leaders tend to dominate local politics. Traditional social, religious, and economic institutions also affect the country's political life in important ways.

Although women have the right to vote and to run for office, they are underrepresented severely in national politics and government. At least three women hold senior government positions; one is the Minister for National Education; one is the President of the Tribunal of First Instance, and the third is the General Secretary of the State Council, which advises the Cabinet.



*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The military Government did not prevent the operation of human rights nongovernmental organizations (NGO's), and a number of NGO's operated in the country. However, the Comoros Human Rights Association, established in 1990, was on the verge of disintegration due to a lack of funds, and it was inactive during the year.

The military Government cooperated with international NGO's, and a few international NGO's operated in the country.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution does not prohibit discrimination based on these factors specifically, but only states that the judiciary is the guardian of individual liberties. The Constitution does not prohibit discrimination based on these factors specifically, but only states that the judiciary is the guardian of individual liberties. The Constitution does not prohibit discrimination based on these factors specifically, but only states that the judiciary is the guardian of individual liberties.

groups, but relevant that it was rare. I, therefore, would not say that discrimination was a problem in the country, but the problem is addressed in many of the reports.

Islamic fundamentalism is growing in popularity as more students return to the country after studying Islamic subjects in foreign countries.

In 1999 community members and authorities in Lingoni, Anjouan, banned Christians from attending any community events, and in Mremeni, Anjouan, they banned Christian burials in the local cemetery.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution does not provide for the right to unionize; however, the Government has not prevented industries from unionizing. Farming on small land holdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. The wage labor force is small, and numbers less than 7,000 including government employees, and less than 2,000 excluding them. Teachers, civil servants, and dockworkers are unionized. Unions are independent of the Government. The Constitution does not provide for the right to strike; however, the right to strike has been exercised freely by public sector workers. The new constitution, approved in August, provides for the right to strike; however, it was not implemented by year's end.

Government workers and teachers held strikes intermittently during the year. Teachers and hospital workers strike intermittently, mostly because they often are not paid for months at a time (see Sections 1.e. and 2.a.). In August, despite regulations that prevent the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike from mid-June to early August that called for judicial reform and regular payment of salaries. There are no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no restrictions on unions joining federations or affiliating with international bodies; however, none are known to do so.

*b. The Right to Organize and Bargain Collectively.*—Unions have the right to bargain collectively, and strikes are legal. Wages are set by employers in the small private sector and by the Government, especially the Ministries of Finance and Labor, in the larger public sector. The Labor Code, which is rarely enforced, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution does not prohibit forced or bonded labor, but it generally is not practiced; however, some families place their children in the homes of others where they work long hours in exchange for food or shelter (see Section 5).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor has few resources to enforce this provision; however, except for domestic work, child labor is not a problem due to the general lack of wage employment opportunities. Children generally help with the work of their families in the subsistence farming and fishing sectors (see Section 5).

The law does not prohibit forced or bonded labor, and there were some instances of forced or bonded labor by children (see Section 5 and 6.c.).

*e. Acceptable Conditions of Work.*—There is no minimum wage. The Government often pays workers late or fails to pay them at all; during the year, government workers received wages through August.

The Labor Code specifies 1 day off per week plus 1 month of paid vacation per year, but the Government has not set a standard workweek.

There are no safety or health standards for the minuscule manufacturing sector.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

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## DEMOCRATIC REPUBLIC OF THE CONGO

Much of the Democratic Republic of the Congo (formerly Zaire) continued to be ruled by President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997. Kabila continued to rule by decree, despite creating and personally selecting members of a Constituent and Legislative Assembly, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. The Government recognized two progovernment political parties and a splinter

group of a prominent opposition party; however, it banned all other opposition parties. The "People's Power Committees" (CPP's) continued to monitor the activities of citizens in neighborhoods, schools, and workplaces. War broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society; however, the Government repeatedly frustrated attempts to begin initial talks during the year. The judiciary continued to be subject to executive influence and corruption.

As the war grew into an increasing stalemate, government forces controlled less than half of the country. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; the RCD/ML commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. War broke out in August 1998, when Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, which took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; Hutu members of the former Rwandan armed forces, which also took part in the 1994 genocide of Tutsis in Rwanda, and which also fought the Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which fought the influx of perceived Rwandan immigrants; the Alliance of Democratic Forces (ADF), made up of Ugandan expatriates and supported by the Government of Sudan, which fought the Government of Uganda; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and the Mai Mai and Hutu armed groups operated inside the country on the side of the Government, often as guerrillas operating inside territory held by antigovernment forces. Elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi who used the country as a base. Libya was among those countries supplying arms and logistical support to the Kabila Government, but did not conduct combat operations in the country. North Korea had advisers in the country who trained government troops. The front that separated government from antigovernment forces generally was stable, except in the province of Equateur, where government and rebel MLC troops fought running engagements along the Ubangi River. The cease-fire agreement, negotiated as part of the Lusaka Accords, was violated by all parties, especially in the north and east where the Government launched a major military offensive along the Ubangi River. In October the Congolese Armed Forces (FAC) launched an offensive on the rebel-occupied territories in northern Katanga Province; however, the offensive was pushed back by Rwandan and RCD forces, who captured the town of Pweto.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), and the FAC, which includes an Office for the Military Detection of Subversive Activities (DEMIAP). The Presidential Guard was integrated into forces of the 7th Military District to form the Forces d'Intervention Rapide (FIC) during the year. The immigration service, Direction General de Migration (DGM), the Autodefense Forces (FAP), and CPP's also functioned as security forces. In 1999 Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The People's Defense Committees (CPD's), which are armed elements of the CPP's and operated outside the formal structure of the State, had not yet been armed in some areas by year's end. The police force, reorganized in 1997, handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel. The security forces committed numerous, serious human rights abuses.

Most sectors of the economy continued to decline. Production and incomes continued to fall, and the modern sector virtually has disappeared. Physical infrastructure was in serious disrepair, financial institutions have collapsed, and public education and health have deteriorated. Annual per capita national income remained at less

than \$100. Subsistence activities, a large informal sector, and widespread barter characterized much of the economy; the insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, routinely went months without pay, which caused widespread hardship and contributed to tensions within the armed forces; however, unlike in 1999, there were no strikes. Rebel-held areas increasingly were integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties, and systematically extracted hard currency from the regions they controlled.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. Security forces were responsible for numerous extrajudicial killings, disappearances, torture, beatings, rape, and other abuses. In general security forces committed these abuses with impunity, although a special military tribunal tried and executed some security force members for various human rights abuses. Prison conditions remained harsh and life threatening. Security forces increasingly used arbitrary arrest and detention throughout the year. Prolonged pretrial detention remained a problem, and citizens often were denied fair public trials. The special military tribunal tried civilians for political offenses, frequently with total disregard for due process protections, and sentenced civilians to death; however, no civilians were executed during the year. The judiciary remained subject to executive influence and continued to suffer from a lack of resources, inefficiency, and corruption. It largely was ineffective as either a deterrent to human rights abuses or a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued, although children were conscripted to a lesser extent than in the previous year. Government security forces continued to use excessive force and committed violations of international law in the war. Government aircraft routinely bombed civilian populated areas in rebel-held territory. Although a large number of private newspapers often published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, detaining, and torturing newspaper editors and journalists and seizing individual issues of publications, as well as by increasing its restrictions on private radio broadcasting. Harassment of journalists, human rights activists, and opposition politicians increased during the year. The Government severely restricted freedom of assembly and association. Government forces committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas. The war resulted in a massive increase in internally displaced persons (IDP's). The Government continued to ban political party activity and used security services to stop political demonstrations, resulting in numerous arrests and detentions. It also harassed, imprisoned, and tortured members of opposition parties and harassed human rights nongovernmental organizations (NGO's). Violence against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies and ethnic minorities was a problem. Serious governmental and societal violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk and facilitated the departure of approximately 3,000 to neighboring countries. On occasion tension between the Hema and Lendu flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. There were reports of forced conscription, including of children, and there were reports of forced child labor. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries.

There were numerous credible reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, torture, and the arbitrary arrest and detention of civilians.

During the year, antigovernment forces committed serious abuses against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, extortion, robbery, dismemberment, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. There also were numerous and widespread unconfirmed reports

that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. The Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations severely restricted freedom of speech, assembly, association, and religion in areas they held. There were reports of attacks against local and international NGO's in rebel-held areas. There also were many deaths due to interethnic mob violence in areas held by antigovernment forces.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by antigovernment forces. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 5, FAC soldiers shot and killed William Mbulu in the Lingwala district of Kinshasa for no apparent reason. On January 14, in the Limete district of Kinshasa near Kuaka, a soldier in the Presidential Guard known by the name of Pipiyu killed a policeman who intervened on behalf of a civilian being harassed by the soldier. On the morning of January 28, in the Masina district of Kinshasa near Mizola, a FAC soldier shot and killed Addy Lisasi in a building near the railroad tracks. On May 21, in the village of Kimpaka, near Kinshasa, soldiers killed "Ya Rolly" Ngimbi after he refused to give them money. The soldiers then raped and killed his wife, and stole money and valuables from the household before leaving. On May 25, near the village of Kimbiolongo, there were unconfirmed reports that FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons. The soldiers then beat his parents severely, raped his 13-year-old sister Mirielle, and stole numerous items from their home (see Section 1.c.). On May 25, there were unconfirmed reports that Mukoko died from injuries inflicted during a severe beating by FAC soldiers. The soldiers later allegedly tortured his family members when they sought justice from village authorities (see Section 1.c.). On May 31, Mpadi Mamikamona Moko, a veterinarian at the MULENDA MBO farm outside of Kinshasa and a resident of the Masina district of Kinshasa, was beaten to death and thrown into the Ndjili river by men dressed in military uniforms. On the evening of July 22, in the MontNgafula district of Kinshasa, two armed men believed to be soldiers broke into the home of Irengé Kako, an employee of the Central Bank of the Congo. The men stole money from Kako and then shot him twice in the head, killing him. On September 8, government soldiers shot and killed 47 men and 4 women in a house in Dongo; 2 persons survived by jumping out of a window. The soldiers reportedly killed the persons while retreating from a rebel attack.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner arrested in 1998 but released on March 24 (see Sections 1.b., 1.d., and 1.e.). On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators at a FAC military court near Pweto, allegedly for plotting a coup against President Kabila during the year. There also were widespread rumors that the Government executed hundreds of suspected Masasu collaborators with Kivusian origins in Kinshasa.

On December 7, a group of armed police attacked the car of JeanClaude Masangu as he was returning home. The police shot and killed Masangu's bodyguard; Masangu and his chauffeur escaped without harm. The local press declared that the police were attempting to kill Masangu; however, at year's end, the intent of the attack remained unknown. On December 11, a military court tried, convicted of manslaughter, sentenced to death, and executed two of the policemen.

Throughout the year, government military tribunals continued to sentence to death many civilians after military trials that were often perfunctory, and many of these civilians were executed (see Section 1.e.). Members of the security forces repeatedly killed civilians, particularly in areas that they were preparing to abandon to advancing antigovernment forces. The military justice system, which was revised in 1997, prosecuted FAC members for individual incidents ranging from armed robbery to rape to murder, and sentenced to death and executed at least 17 FAC members during the year (see Section 1.e.).

Harsh prison conditions and abuse led to an undetermined number of deaths in prisons. Many prisoners died of illness or starvation (see Section 1.c.). It was reported that, since Kabila took power in 1997, both extrajudicial killings and deaths

due to torture and neglect have become common at a secret detention center known as "Alfa," which was run directly by the Office of the President. On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he sustained while being tortured (see Section 1.c.).

No action is known to have been taken against the members of the security forces responsible for the following 1999 killings: University student Remy Lushima Nyamangombe in January 1999; a person in the Sebastian bar in Kinshasa in February 1999; public transportation driver Kalle in April 1999; a minibus driver in April 1999; Colonel Ndoma Moteke who was tortured in May 1999; a 12-year-old boy in July 1999; Charles Bokeleale in July 1999; student Kamba Kanyinda in November 1999; and Simon Makoko in November 1999.

The Government did not prosecute any state officials or other persons in connection with the mass extrajudicial killings of Tutsis in 1998.

There were reports that landmines continued to be used, particularly in the eastern half of the country, despite agreements not to do so in the Lusaka Accords. Government forces, rebel groups, and the armed forces of Rwanda, Uganda, Zimbabwe, and Chad allegedly used landmines; however, it is impossible to know which groups laid landmines.

In July a Belgian judge issued an arrest warrant against Congolese Foreign Minister Yerodia Abdoulaye after a number of Tutsis in Belgium claimed that Yerodia's radio broadcasts in August 1998 incited the populace to murder Tutsis randomly. A similar case was filed against Kabila in September.

There were widespread reports throughout the year of killings and other human rights abuses by both progovernment and antigovernment forces. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat, primarily in the eastern areas of the country. Independent observers often found access difficult due to hazardous security conditions as well as frequent impediments imposed by authorities (see Section 4). Both progovernment and antigovernment forces extensively used propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information (see Section 2.a.).

Progovernment Mai Mai guerilla units killed many civilians, sometimes after torturing them, in areas where they operated. In August there were reports that Mai Mai killed dozens of civilians fleeing from Shabunda. Hutu militia units fighting on the side of the Government, and reportedly supported materially by the Government, also killed many noncombatants. Information about killings by Mai Mai, Interahamwe, and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Mob violence resulted in killings, but the Government did not incite directly lethal mob violence during the year. However, following the October death of Archbishop Emmanuel Kataliko of Bukavu due to a heart attack, the Kabila Government claimed that Tutsis had poisoned the Archbishop, a charge the Catholic Church denied (see Section 2.c.). The government statement contributed to demonstrations in the occupied territories that were suppressed by RCD/Goma rebel authorities (see Section 2.b.). At least one child was killed by gunfire during the incident.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly killed thousands of persons and displaced tens of thousands of others (see Section 5). This fighting reportedly arose from a dispute about land use and also reportedly was manipulated by Ugandan troops who charged the tribes fees in order to provide protection to their members. Specific incidences of violence were difficult to verify due to the general unrest in the region. There were reports during the year that intertribal fighting between December 28 and 31, 1999, in the area of Blukwa in the Walendu Pitsi collective, left 300 persons dead, the majority Hema, according to credible sources. There were unverified reports of up to 40 Lendu killed at Lita, near Katoto, in late August, and between 20 to 25 Lendu killed at Nyangaray. According to credible sources, clashes occurred in August and September in Linga, Ngongo, Kobu, and Bunia.

In July a group believed to be Interahamwe attacked an internally displaced persons (IDP) camp in North Kivu Province (see Section 2.d.). Approximately 50 persons were killed, including some who were burned alive inside their homes. On September 5, Interahamwe reportedly attacked settlements near Goma; six persons were killed and nine were wounded. On September 6, Interahamwe reportedly attacked a team of civilian conservationists in the Gahuzi-Biega National Park near Bukavu; 10 persons were killed, including a journalist and 2 park guides, and a number of others were injured. Progovernment forces routinely bombed civilian populations in air raids against towns held by antigovernment forces, which resulted in heavy civilian casualties (see Section 1.g.).

On two occasions during the year in May and June, Rwandan and Ugandan forces fought in Kisangani, resulting in hundreds of civilian deaths, thousands of wounded, and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting; many died as a result of lack of medical attention since transportation to hospitals during the fighting often was unavailable. Many displaced persons remained for several months at a camp outside of the city because they feared to return (see Section 2.d.). There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani.

During the year, antigovernment forces committed repeated mass killings. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. Some of the many reports of such killings were credible, particularly attacks, murders, and looting committed against members and facilities of the Catholic Church (see Section 2.c.). Investigations of many reported killings often were difficult, and details of reported abuses sometimes emerged long after the events occurred. There have been no known serious attempts by any of the combatants in the conflict to investigate incidences in which their troops allegedly committed numerous murders, rapes, lootings, and other abuses in areas under their control.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the Rwandan Patriotic Army (RPA), beat, tortured, and then buried alive 15 women at Mwenga in December 1999. However, the Rwandan Government denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft. According to the Rwandan Government, the women were rescued from mob justice by RCD troops but later died from their injuries. In December 1999, the RCD/RPA arrested Frank Kasereke, the RCD commander, but he escaped from jail on February 5 along with 32 other detainees.

On January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.e.).

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them (see Section 1.c.), and then killed 30 persons.

On February 12, RCD/Goma rebels killed Kitoko, chief of the Lulonga-Fizi, and Tchalanga, chief of the Ziralo, in Kalele, South Kivu Province.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta; the militiamen forced the priest to kneel, and then shot and killed him.

From March 6 to 8, RPA forces reportedly made repeated attacks on the village of Kilambo in Masisi, North Kivu Province, and allegedly executed numerous persons suspected of collaborating with the Interahamwe. Among others, the RPA reportedly killed two men known as Kapalata and Mamboleo, Samuel Kanyomo, a woman named Suzana, and her three children.

On March 10, RCD soldiers killed Lwina Samuel, the chief of the Office of Environmental Protection in Rutshuru, North Kivu Province, for refusing to allow soldiers to steal his belongings. RCD soldiers later killed Lwina Bwangi, Samuel's 17-year-old son, after he identified his father's killers.

On March 24, RCD soldiers shot and killed Thomas Kumbuka in the village of Kishondja in Masisi, North Kivu Province, after they allegedly mistook him for an Interahamwe militiaman.

On April 10, Muulwa, a farmer from the village of Habula in Walikale territory, North Kivu Province, was killed by RCD soldiers who had entered the village to investigate whether the residents were harboring Interahamwe soldiers. On April 16, following a Mai Mai attack on the RCD/Goma camp at Mulume Munene in South Kivu Province, RCD soldiers attacked the village of Izege. Soldiers reportedly warned villagers to leave their homes, then set the homes on fire, and killed four persons; soldiers burned hundreds of homes and animals.

On May 14 and 15, in response to the apparent Mai Mai slaying of RCD commander Ruzagura during an ambush on his motorcade, RCD/Goma forces killed hundreds of civilians in and around the town of Katogota in South Kivu Province. According to some reports, RCD soldiers killed as many as 300 villagers by slitting their throats.

On June 23, in Walikale, RPA Captain Alexis Rugira and other RPA soldiers killed Baligizi Mufungizi, stole his bicycle, and robbed him. Captain Rugira, Lieutenant Gapfunsi, S/Major Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by the military tribunal at year's end.

Between August 18 and 24, following a period of intense fighting between Mai Mai and RCD forces in the Shabunda region of South Kivu Province, the RCD carried out a punitive campaign against the villages between the towns of Lulingu and Nzovu. Soldiers sent by RCD Commandant Macumu burned the villages; more than 300 villagers were burned alive and 3,000 homes were destroyed.

On August 29, Bukavu students demonstrated to protest the arrest of four civil society members (see Sections 1.d and 2.b.). In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndolo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.c.). There was no known action taken against Tshisekedi by year's end.

On September 1, RPA Captain Peter Kabanda and other RPA soldiers allegedly killed 67 unarmed civilians in Masisi, North Kivu Province. The captain and the other RPA soldiers were arrested for acting contrary to operational orders and for failing to differentiate between the enemy and unarmed civilians. The soldiers were in detention awaiting prosecution for murder before the military tribunal at year's end.

On November 1, a group of suspected Interahamwe soldiers armed with guns, machetes, and clubs attacked the village of Kehero, near Goma, North Kivu Province, allegedly in revenge for an October 10 killing by RCD forces of their leader known as Rwenderi. The alleged Interahamwe killed nine persons on suspicion that they had collaborated with the RCD forces.

On November 8, Ugandan soldiers allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province; the soldiers believed the village to be sympathetic to the Mai Mai. The attack reportedly followed violent clashes between Ugandan and Mai Mai forces in the surrounding area. The soldiers also allegedly set fire to houses in the village; 11 persons burned to death in the houses.

There also were reports of killings by Banyamulenge militias and Burundian military forces. On July 19, in the Fizi district of South Kivu Province, Banyamulenge and Burundian soldiers killed an estimated 150 persons in the town of Lubamba by slitting their throats. The local population sought refuge in the nearby town of Dine.

Although unconfirmed, there were widespread and numerous reports throughout the occupied territories of a Rwanda-supported Hutu militia posing as Interahamwe and operating as an instrument of terror against civilians. Rwandan authorities reportedly coordinated attacks by this group on civilian and church targets and then blamed the attacks on the Interahamwe. Rwandan authorities allegedly used the insecurity brought on by this Hutu militia to further justify its military presence in the country.

By year's end, it was more difficult to identify the armed groups responsible for attacks. On June 19, approximately 50 unidentified soldiers attacked and pillaged a Catholic church and convent, a hospital, and homes in the town of Kabare, South Kivu Province (see Section 2.c.); 3 civilians were killed. The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 2.d.). Official estimates indicated that the assailants killed as many as 40 persons and wounded a number of others; 20 were treated at Goma General Hospital. In addition 48 homes were burned and 2 pharmacies were looted.

There were numerous reported killings along the road from Uvira to Bukavu in South Kivu Province; many were aimed at looting and theft. Observers believe that Mai Mai, Interahamwe, FDD, Banyamulenge, or RPA combatants could have been responsible for the attacks, with or without the knowledge or consent of their commanders. The climate of insecurity in the occupied territories and particularly in the Kivu Provinces forced many local residents to abandon their homes and created food shortages as armed bands kept farmers from working in their fields.

*b. Disappearance.*—There were many reported cases of disappearance, most as a result of the war. Government forces reportedly were responsible for the disappear-



ance of many persons. Throughout the year, government security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody. Typical accounts described unidentified assailants who abducted, threatened, and often beat their victims before releasing them. Journalists and opposition members claimed that they were targets of such actions.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who had been arrested in 1998 but released on March 24 (see Sections 1.a, 1.d., and 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators. The Government has denied these reports. The persons reportedly executed remained unaccounted for at year's end.

In the 1999 disappearance cases of Commandant Jean Nkumu Wangala, Bernard Ntandou, Jean Mpalabouna, Justin Djuambe Tegi, Michel Gbetoro, and Belmonde Ma Gloire Coffi, human rights NGO La Voix des Sans Voix (VSV) reported that Belmonde Ma Gloire Coffi had been executed and that Jean Nkumu Wangala fled the country. VSV believed that the others also had fled, but did not have evidence to prove this belief.

There have been no developments in the December 1998 case of Donnat N'Kola Shamuyi, an investigator for the human rights NGO Collectif pour le Développement des Droits de l'Homme, who disappeared while working in Tshikapa in Western Kasai Province.

The bodies of many persons killed in the war were burned, dumped in rivers, or buried in mass graves that remain unopened. Neither side is known to have kept or released records of the identities of the persons whom its forces killed.

Antigovernment and rebel forces reportedly were responsible for the disappearance of many persons. There were reports that antigovernment forces repeatedly failed to acknowledge detaining persons.

On April 2, RCD security forces arrested Christian Ngongo Kasumba at the border post of Bunagana. Kasumba was returning from a business trip to Nairobi, Kenya, via Kampala, Uganda; he has not been seen since his arrest. Efforts to locate him have been unsuccessful; an RCD commandant named Karim reportedly was responsible for Kasumba's arrest and detention.

On May 15, Rwandan soldiers reportedly arrested Ainakafota, the director of the Bolongo-Bas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, and two other staff members of the human rights NGO, on suspicions of spying (see Section 4). The ANMDH and family members have not been able to locate Ainakafota or the staff members since their arrests; inquiries to Rwandan officials concerning their whereabouts have produced no results.

Reportedly persons whom rebel, Rwandan, or Ugandan forces allegedly detained sometimes were transferred to Rwanda or Uganda. Persons reported missing in 1998, including 22 Franciscan friars from Sola in Katanga Province and 3 university professors from Bukavu in South Kivu Province, still were unaccounted for at year's end.

Ugandan and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law forbids torture; however, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security force and prison officials. Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted. Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, businessmen, and others (see Sections 1.d. and 2.a.).

On January 1, Albert Agbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels soon would capture the government-held town of Bikoro (see Section 1.d.). Agbana was transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture.

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji. The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture. When Kalonji's wife, Muawuka Kena Bantu, visited him at the 7th Military District holding facility, she was detained from January 13 to 15, and stripped. Dur-

ing their detention, soldiers commanded by Major Jose Mopia Agaga beat both Kalonji and his wife, who was 5 months pregnant. Kalonji was released on February 8.

On January 13, security forces arrested, detained, and tortured for 5 days Union for Democracy and Social Progress (UDPS) activist Crispin Ipondo Banda, reportedly for distributing brochures on the Lusaka Accords published by the NGO LINELIT. Police held Banda at the Inspection Provinciale de la Police de Kinshasa before transferring him to another ANR facility. He was accused of committing offenses against President Kabila but all charges subsequently were dropped, and he was freed on February 2. On February 29, rapid intervention police arrested seven members of the UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following morning (see Section 1.d.).

On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he had sustained while being tortured (see Section 1.a.). He had been detained in December 1999 on accusations of illegal possession of weapons and poaching.

There were many recorded instances of torture, harassment, and theft committed against the residents of villages that surround Dingi-Dingi, the location of a FAC airfield that was under construction during the year. On February 19, FAC soldiers beat Makengo Mbila Mbua, a resident of the village of Kinsala, and stole his money, chickens, and sacks of corn. On February 20, FAC soldiers lashed Godet Hiemba, a resident of Ingidi village, 50 times with a whip and confiscated his belongings because he did not respond properly to the Commandant of the Presidential Protection Unit (PPU) at the airfield. The same day, soldiers lashed Mawete Mbiyavanga 10 times with a whip and confiscated all of the food and money that she had in her possession. Also on February 20, FAC soldiers beat Manianga after he prevented the Commandant of the PPU from sexually exploiting Manianga's daughter. The soldiers also confiscated his belongings and money.

On the night of March 10, security forces reportedly abducted and detained five Congolese refugees from Angola's enclave of Cabinda. The refugees were registered with U.N. High Commissioner for Refugees (UNHCR) in Angola and reportedly were associated with an Angolan independence movement. Security officials released three of the detainees; however, two remained in detention at a Conseil de Securite d'Etat facility in Kinshasa at year's end. Security forces reportedly beat and tortured the two who remained in detention, Macario Romao Lembe and Vosso Fuila. One of the detainees reportedly is in poor health as a result of torture.

In March a police commandant severely beat the president of the Front for the Survival of Democracy (FSD) after he inquired at the police station about the arrests of FSD supporters who gathered for a FSD demonstration on March 16 (see Section 2.b.).

On March 20, police officers publicly raped a young girl in the town of Pusuku, Bandundu Province, after villagers intervened on behalf of a young man named Kituku who had an altercation with another officer (see Section 1.d.). There was no known action taken against the officers.

On April 7, government security forces under the command of Faustin Numbi arrested and tortured Freddy Lomboto wa Lomboto, the second vice president of the opposition party FONUS (Forces Novatrices pour l'Union et la Solidarite or New Forces for Unity and Social Progress). Lomboto's interrogators smashed his fingers with metal bars and beat him until he lost control of his bodily functions in order to extract information regarding the party and its president, Joseph Olenghankoy. The Government released him after 4 days of questioning and further abuse; however, on June 9, Commandant Numbi's soldiers returned to Lomboto's house and interrogated his wife when they could not find him; she later fled.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 2.d.).

On May 25, near the village of Kimbiolongo, FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons (see Section 1.a.). The soldiers then beat his parents severely, raped his 13-year-old sister Mirielle, and stole numerous items from their home.

On May 25, there were unconfirmed reports that a man known as Mukoko died from injuries inflicted during a severe beating by FAC soldiers (see Section 1.a.). The soldiers later allegedly tortured his family members when they sought justice from village authorities.

On October 11, security agents abducted seven UDPS members from a street corner in Kinshasa (see Section 1.d.). They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings by security agents.

On October 18, national police arrested military court officials Ambroise Kusa and Ndaba (see Section 1.d.). Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured. They were released on October 25.

On November 16, police reportedly beat 10 students who intervened on behalf of two students arrested while carrying their lunches on the campus of the Institut Pédagogique National (IPN) in Kinshasa, because the police wanted the food. Several students were arrested (see Section 1.d.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On November 26, a group of armed government soldiers assaulted and shot in the leg Athanese Matenda Kyelu, the manager of the Chamber of Commerce, at his house in the Ngaliema district of Kinshasa. The soldiers searched and robbed the house (see Section 1.f.). Matenda received treatment at Ngaliema Hospital.

On at least two occasions, members of the security forces beat taxicab and minibus passengers who were unable to pay bribes at roadblocks (see Section 2.d.).

Security forces harassed, beat, and tortured journalists, including foreign journalists, during the year (see Section 2.a.). For example, on January 3, security forces arrested Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique* (see Sections 1.d. and 2.a.). Security agents allegedly subjected Loseke to torture; he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison (see Section 1.e.).

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontière* (see Sections 1.d. and 2.a.). Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The January case of human rights activists Christophe Bintu and Bienvenu Kasole; the January case of newspaper publisher Thierry Kyalumba; the February case of Tous-saint Muhavu Shankulu; the February case of Luyinumu Lelo Koko and Jonas Ndoko; the February case of Professor Tshibangu Kalala; the March case of two female money changers; the March case of a journalist; the April case of Lambert Edimba; the May case of eight members of the opposition *Parti Lumumbiste Unifié* (PALU) party; the May case of Christian Badibangi, president of the opposition party *Union Socialiste Congolaise*; the May case of Colonel Ndoma Moteke; the June case of journalists for the daily newspaper *Tempête des Tropiques*; the June case of the owner of a dugout canoe known as Motinga; the July case of Jean Marie Kashils of the *Agence Congolaise de Presse* and Bienvenu Tshiela of *Kasai Horizon Radio Television*; the July case of Professor Kambaj Wa Kambaji; the September case of human rights NGO activist Wetemwani Katembo Merikas; the September case of Francois Mpoyi Mukandu, the legal advisor of the governor of Eastern Kasai Province, Marcel Mpuanga Mindu, who also was an attorney, and Ditutu bin Bwebwe, a court clerk; and the October case of Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province.

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). There were credible reports that the FAC sexually exploited homeless girls.

There were numerous reports that nongovernmental armed groups fighting on the side of the Government, and reportedly materially supported by the Government, tortured, raped, and otherwise physically abused many persons during the year. Mai Mai guerillas reportedly killed persons by torture, including by mutilation and crucifixion (see Section 1.a.).

Unlike in the previous year, there were no reports that mobs beat persons.

There were reports that Interahamwe militia in South Kivu Province often raped women.

There also were numerous reports of torture by antigovernment forces in the occupied territories.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga in December 1999 (see Section 1.a.). However, the Rwandan Gov-

ernment denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft.

There were reports that Rwandan and Ugandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public and often in the presence of their families and in-laws. A woman raped in this manner generally is forced out of the village, leaving her husband and children behind (see Section 5). In June an RCD/Goma soldier, described only as a Munyamulenge, stopped a young girl, Fitina, on the road between Baraka and Mboko and raped her. After he raped her, the soldier discharged his weapon into her vagina. According to a number of credible human rights organizations, marauding bands of armed men in the occupied territories often put victims of rape through further painful humiliations by inserting rocks, sharp sticks, and hot peppers into their vaginas.

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them, and then killed 30 persons (see Section 1.a.).

On March 25, security agents for the rebel group RCD/ML arrested Kule Thatha, coordinator for the human rights NGO Fondation Yira pour les Droits de l'Homme in North Kivu Province. He was detained in the town of Beni, where security forces tortured him for having criticized the RCD/Goma. He was released on June 15.

On July 12, the Goma provincial police detachment, which is a part of the RCD/Goma rebel government, arrested and tortured Jules Saruti for stealing. Police Commandant Charles LumbuLumbu and officer Emmanuel Sikuli burned Saruti's tongue with a cigarette, tied him to a pole, stuffed his mouth with toilet rags, and beat him. Saruti was hospitalized for his injuries following his August release.

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.d.). The officials were allies of the deputy leader of the RCD/ML movement, Tibasima Mbogemu Ateenyi, who was then in conflict with Wamba. RCD/ML forces loyal to Wamba at the military training camp at Rwampara tortured the men while they were detained. It was not known whether the men had been released by year's end. Other RCD/ML soldiers who were suspected of disloyalty also were tortured.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndelo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.a.). There was no known action taken against Tshisekedi.

On October 9, RCD rebels reportedly publicly arrested, detained, and beat 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu (see Sections 1.d., 2.b., and 4).

There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani (see Section 1.a.).

There were numerous reports of killings and torture of prisoners by some antigovernment forces. A number of prisoners reportedly died of suffocation after guards detained them in overcrowded shipping containers. Guards reportedly sealed the prisoners inside overcrowded containers without ventilation, then denied them all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected Interahamwe or Mai Mai collaborators.

The Kabila Government operated 220 known prisons and other places of detention, and in all such facilities, conditions remained harsh and life threatening; there reportedly were many other secret or informal detention centers (see Section 1.d.). During the year, the Government continued to make limited efforts to improve conditions at Kinshasa's main prison, the Makala National Penitentiary and Reeducation Center. The Government provided food at some prisons, but not in sufficient quantities to ensure adequate nutrition for all inmates. Prison conditions remained a threat to prisoners' lives. Living conditions were harsh and unsanitary, and prisoners were treated poorly. The penal system suffered from severe shortages of funds, medical facilities, food, and trained personnel.

Overcrowding and corruption in the prisons were widespread. Prisoners reportedly were beaten to death, tortured, deprived of food and water, or starved to death (see Section 1.a.). Prisoners are wholly dependent on the personal resources of family or friends for their survival. Guards have been known to steal food brought to prisoners. Inmates at Makala prison in Kinshasa sleep on the floor without bedding and have no access to sanitation, potable water, or adequate health care. There were reports of guards forcing 55 or 60 prisoners into a small cell with room only to stand.

No water or food is given to these prisoners. There are no toilets, forcing prisoners to urinate and defecate on the floor. Tuberculosis, red diarrhea, and other infectious diseases are common and widespread.

According to credible reports, prison guards demand bribes to allow family members to bring food to prisoners. Prisoners also pay bribes to receive better treatment. On February 29, three NGO activists who were arrested in Bukavu had to pay bribes in order to be moved from a closet where they had spent the first night in detention. Guards have shown reluctance to release prisoners due to fear of losing part of their incomes.

Although authorities do not target women for abuse, prison guards rape female inmates. In general women and juveniles are detained separately from men.

The Government exacerbated the overcrowding of civilian prisons by incarcerating many soldiers who declined to fight for the Kabila Government in the war. In July President Kabila pardoned and ordered the release of approximately 500 former Zairian Armed Forces (FAZ) troops held at Makala prison; however, there were reports that these soldiers immediately were reenlisted in Kabila's military and sent to fight against the rebels. At year's end, it was unknown how many soldiers, if any, continued to be detained in civilian prisons.

In June the Government released 93 Rwandan prisoners of war (POW's) in accordance with the Lusaka Accords (see Section 1.g.).

The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison (see Section 1.e.); however, the International Committee of the Red Cross (ICRC) was denied access to some regular detention facilities. The Government did not allow these organizations to visit the numerous unpublicized and unofficial detention sites scattered throughout the country where most newly arrested detainees are held, questioned, and sometimes subjected to abuse. The ICRC was denied access to these sites; however, the ICRC visited facilities where the Government holds Tutsis for their own protection. The ICRC is the only international NGO allowed to visit POW's.

In the previous year, it was reported that RCD/Goma forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations; it was not known whether such detentions occurred during the year. Reports from former detainees indicate a systematic pattern of beatings, undernourishment, and deliberate killings in these houses.

*d. Arbitrary Arrest, Detention, or Exile.*—Despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention.

Under the law, serious offenses (those punishable by more than 6 months' imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status is empowered to authorize arrest. This status also is vested in senior officers of the security services. The law requires security forces to bring detainees to the police within 24 hours. The law also requires that detainees be charged within 24 hours and be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods.

In practice these provisions were violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, used arbitrary arrest to intimidate outspoken opponents and journalists. Charges rarely were filed, and the political motivation for such detentions often was obscure. When the authorities did press charges, the claims that they filed sometimes were contrived or recitations of archaic colonial regulations.

Detention without charge has been a frequent problem under the Kabila administration. During the year, a number of human rights and religious organization leaders continued to indicate that it increasingly was difficult to monitor arrests and detentions or investigate reports of arbitrary arrest and detention due to increases in the number of arrests and detentions, in the number of security agencies involved, and in the number of detention facilities. There were many secret or unofficial detention centers in Kinshasa, some of which reportedly were run by the Office of the President (see Section 1.a.); there were several reports of secret jails on the premises of the presidential palace.

The Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 1,516 Congolese Tutsis arrested in 1998 after the start of the war were allowed to depart between August 1999 and February for refugee camps in Cameroon and Benin and eventual resettlement abroad. On May 26, 156 Rwandans were repatriated by the ICRC from Lubumbashi to Rwanda. In June 1999, the ICRC repatriated detained Tutsis whom the Government regarded as Rwandan, Ugandan, or Burundian nationals, and who were willing to depart the country; however, ap-

proximately 300 Tutsis chose to remain in detention due to difficulties in repatriating them to neighboring countries, notably Uganda and Burundi. Terms of detention became increasingly liberal during the year and included substantial freedom of movement by year's end. Government detention of Tutsis became protective rather than punitive. Many Tutsis increasingly felt safer in government custody than elsewhere in the government-controlled part of the country (see Sections 1.c., 1.f., and 5). In July Human Rights Minister She Okitundu opened the Institut National de Securite Sociale (INSS) protection facility to the foreign diplomatic corps, media, and international organizations.

On January 1, Albert Angbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels would soon capture the government-held town of Bikoro. Agbana was transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture (see Section 1.c.).

On the morning of January 2, security officials arrested Jose Malika, advisor to the Economics Minister, at his home in the Binza district of Kinshasa. The security officials questioned Malika at Camp Kokolo without revealing the charges for his detention; his personal property, including his car, were confiscated.

On the evening of January 6, four police officials arrested Professor Balanda Mikueni, former president of the Supreme Court, at his home in the Kintambo district of Kinshasa. The police entered the house without an arrest warrant and reportedly threatened to beat Balanda's son. Balanda was detained at a holding prison at Kin Maziere and then moved to an unknown location before being released on January 20. Security officials confiscated his house; it was returned by year's end.

On January 13, police arrested and tortured Crispin Ipondo Banda, a member of the opposition party UDPS, for talking about the Lusaka peace accords with a group of friends (see Section 1.c.). The police initially detained him at their facilities in the Kalamu district of Kinshasa, but subsequently transferred him to the Provincial Inspection Center of Kinshasa.

On January 14, ANR agents arrested Kayembe Kasuku, a member of the human rights NGO Lawyers Without Borders. Kayembe was the defense counsel for two Lebanese citizens who were tried by the military courts on charges of smuggling money. He also was responsible for the seizure of a vessel in the port of Matadi that reportedly was carrying goods destined for a Kinshasa merchant. Security agents detained Kayembe at the ANR holding facility at Ma Campagne. He reportedly was stripped and beaten for several hours for having insulted the President; jailers threw water mixed with cement and sand on him during the beating. On January 16, he was released and flown to South Africa for medical treatment for multiple injuries. It was unknown whether any charges were filed against Kayembe, and there was no known action taken against the security agents.

On January 24, ANR agents arrested four missionaries, Jean Denis Lokulo, Jean Robert Bompanda, Henri Bofala, and Jean Andiswa, from Equateur Province, and detained them at the Lemera holding facility on the suspicion that they were rebel informants (see Section 2.c.). The missionaries were released on February 22.

On February 5, security agents at Ndjili airport arrested Belgian development workers Pieter Vermaerke and Jesse Cnudde as they were about to board a flight to Brussels following a 1-week visit to Kinshasa. They were arrested when inspectors found reports on local prison conditions and development policies in their bags. Police detained them at an interrogation facility in the Ngaliema section of Kinshasa; they were released on February 19.

On February 7, police arrested Time Missine and Betshi Pitchal in Matadi, Bas Congo Province, for possessing literature distributed by a human rights NGO. The women were sent to Kinshasa and released on February 15. It was unknown whether any charges were filed against Missine or Pitchal.

On February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 3). They were released on February 25.

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO Justice Sans Frontiere. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life (see Sections 1.c. and 2.a.).

On February 29, rapid intervention police arrested seven members of the political party UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following

morning (see Section 1.c.). Police provided no explanation for their arrest. On October 11, security agents abducted seven other UDPS members from a street corner in Kinshasa. They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings (see Section 1.c.).

On March 8, security agents from the DGM detained Joseph Olenghankoy, president of the opposition party FONUS, as he was departing Kinshasa for Brazzaville, Republic of the Congo. The security agents confiscated his documents and prevented him from leaving the country (see Section 2.d.).

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa (see Section 2.b.). Immediately prior to the event, police arrested some FSD members who gathered for the demonstration; all were released the same evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests. Police also arrested a woman whom they wrongly thought to be Diomi's wife; she later was released. On November 15, security forces arrested Diomi after he questioned whether the aggression against the country began in 1998 when Rwanda invaded or in 1996 when the AFDL took over the country with the help of Rwanda. He was released from Makala prison on December 7.

On March 20, in the town of Pusuku, Bandundu Province, an altercation between a police officer named Masango and a young man named Kituku escalated after villagers intervened to assist Kituku. The police officer initially fled; however, federal police from the Mungindu station returned to the town the same evening and destroyed Kituku's home. The police arrested any persons who approached the house and forced them to pay bribes to secure their release.

On April 22, police arrested Francois Lumumba, President of MNC-L, during a party meeting at his home (see Section 2.b.). He was detained without formal charges at the Palais du Peuple in Kinshasa until May 3.

On May 1, security forces arrested Raphael Ghenda, the Secretary General of the CPP's. The Government released Ghenda several days later, but provided no explanation for his arrest or detention.

On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for "endangering state security" (see Section 6.a.).

On May 25, security forces arrested Kinshasa University students Placide Nkoso and Jean-Pierre Mofila Mboma for involvement in a student demonstration on May 17 (see Section 2.b.). Both were detained on the charge of suspected collaboration with MLC rebel leader Jean-Pierre Bemba. Both Mofila and Nkoso remained in detention at Makala prison at year's end (see Section 2.a. and 2.b.). It was unknown at year's end whether the students had been charged. On July 18, security force agents arrested a Kinshasa University student known only as Koso, in connection with a student demonstration on July 17 (see Section 2.b.). Koso remained in jail at year's end.

On May 29, the National Intelligence Agency (ANR) arrested Felicien Malanda and Georges Nazimbika, leaders of the National Council of Development NGO's (CHONGD), and detained them until June 27 without formal charges.

On June 3, ANR agents arrested Felicien Malanda Nsumba, executive secretary of CNONGD, and detained him at the BinzaMacampagne facility in Kinshasa. He was released later in June but received no explanation for his arrest.

On June 3, police arrested Jeannot Bemba Saolona, Minister of Economy and Industry and father of MLC rebel leader Jean-Pierre Bemba, Badimanyi Mulumba, Minister of State for Planning, and Frederic Kibassa-Maliba, Minister of Mines; President Kabila released the three on July 5. On June 10, government authorities arrested Victor Mpoyo, Minister of State for Petroleum Affairs. Bemba was accused of misappropriating hard currency; however, no specific charges were given for the other arrests.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers allegedly systematically searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers reportedly then blindfolded and bound Tshisumpa, abducted him in their jeep, and drove him around Kinshasa until 3 a.m. (see Section 1.f.).

On June 23, security police arrested Jonas Mukamba Nzemba, former governor of Eastern Kasai Province and head of an Mbuji Mayi diamond company, and 33 guests at his home. Mukamba was released on December 7; the others were released in small groups prior to Mukamba's release.

On July 7, security forces arrested Transportation Minister Odette Babandoa on charges that she took bribes and favored her husband's business interests (see Section 2.a.). She was released on July 8. On July 13, Babandoa was arrested again but was released on July 21.

On July 22, security forces arrested and detained for 4 days Eddy Kapend, Aide de Camp to President Kabila, for embarrassing the President.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR. She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations (see Section 2.a.). On September 18, Nzuzi was allowed to return home, but she remained under house arrest and faced possible trial before a military court. In November authorities again detained Nzuzi in Makala prison; however, she was released on December 7. In 1999 she was arrested and detained for 5 hours on charges of violating a decree prohibiting political activity.

On July 27, army troops arrested Faustin Kamala, Deogratias Bihaira, and Thomas Kataala at their home. They reportedly were being held incommunicado by the ANR in the Ngaliema section of Kinshasa at year's end.

On October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses. Mwakobila reportedly was detained at the Kin-Masiere Prison. Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured (see Section 1.c.). All three were released on October 25.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who was released on March 24 (see Section 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports, including from human rights NGO Association Africaine de Defense des Droits de l'Homme (ASADHO), that government officials had tried at a FAC military court near Pweto, sentenced to death, and executed Masasu and 35 suspected collaborators, allegedly for plotting a coup against President Kabila during the year (see Section 1.a.).

On November 16, police arrested two students who were carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Police reportedly arrested several students and beat 10 students who intervened on the behalf of the arrested students (see Section 1.c.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On December 5, intelligence officers arrested Steve Mbikay, Secretary General of the Solidarity Union, as he left a union meeting; he was suspected of instigating popular discontent at the Customs Authority (see Section 6.a.). He continued to be detained without charges by the ANR in Gombe at year's end.

During the year, government security forces arrested and detained more than 10 journalists compared to 80 in 1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. The Government also detained foreign journalists (see Section 2.a.).

On January 5, a human rights NGO announced that Laurent Kantu Lumpungu, president of L'Association des Cadres Penitentiaires du Congo, was released from prison on December 29, 1999. He had been arrested in May 1999 after making critical remarks about prison conditions.

In October 1999, ANR security forces arrested Charles M. Mfwamba Mukendi, the director of Centre d'Etude et de Formation Populaire Kasayi (CEFOP), for reportedly publishing a report that outlined government human rights abuses in the province. He was released on January 6; it was unknown if the charges against him were dropped. Personal items confiscated during his arrest reportedly were not returned.

In November 1999, security forces arrested Cleophas Kamitatu, president of a newly formed opposition group, Community of the Pluralist Democratic Opposition (CODEP), after he criticized the Government in a foreign radio broadcast. However, he was charged with malfeasance in connection with prior service as ambassador to Japan. Kamitatu reportedly signed over the deed of a provincial house in return for a promise of release. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 2.a. and 2.b.).

At year's end, two human rights workers had been arrested by the Kabila Government. They were Laurent Kantu Lumpungu, president of the Association des Cadres



Penitentiaries du Congo (ACPC); and Denis Ilounga Kabeya, member of Friends of Nelson Mandela (ANMDH), who was jailed in Mbuji Mayi.

There were no developments in the 1999 arrests and detentions of Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; Professor Kambaj wa Kambaji; Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski; Innocent Kyuma; and the seven UDPS activists, all of whom remained in detention at year's end.

On November 27, the Government released 509 prisoners from Makala prison in honor of the President's birthday (see Section 1.e.).

Pretrial detention often was prolonged. In October it was reported credibly that the total number of prisoners at Makala prison was over 2,400, almost 90 percent of whom were awaiting trial. In February a presidential decree offered amnesty to those arrested and imprisoned for endangering the security of the State and related charges. During the year, over 800 prisoners were freed; however, most were soldiers whom the Government reenlisted and sent to the front to fight the rebel forces.

The Government also held prisoners of war (POW's). In June the Government released 93 Rwandan POW's in accordance with the Lusaka Accords, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian prisoners. The Government claimed that it no longer detained any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and antigovernment forces reportedly detained persons repeatedly (see Section 1.b.). Many of those whom antigovernment forces detained reportedly were Hutus. In March rebel security agents harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention (see Sections 3 and 4).

On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August (see Section 2.d.). Rwandan authorities released Bahati following international pressure.

On May 15, RCD/ML forces arrested Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province. Masudi was returning from the 56th session of the Commission on Human Rights in Geneva. RCD officials imprisoned Mudimbi in a crowded cell with Mai Mai combatants for 2 days; on May 17, he was expelled from the country along the Ugandan border (see Section 4).

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.c.).

On August 29, RCD/Goma security forces arrested 4 civil society members, Paulin Bapolisi Bahuga, Gervais Chiralwirhwa Nkunzimwami, Aloys Muzalia Wakyebwa, and Regine Mutijima in Bukavu ostensibly in connection with a grenade attack on an outdoor festival that killed 8 persons and wounded approximately 100 (see Section 1.a.). The four reportedly had blamed Rwandan soldiers for the bombing. They were all active members of South Kivu Province civil society and the first three were employed at the teacher training school in Bukavu. President Kabila recently had nominated three of the four, without their knowledge or consent, to the National Constituent Assembly, as part of the delegation representing the occupied territories. The four were taken to Kisangani for questioning. Despite international calls to release the civil society workers, the four were detained until September 30.

On October 9, RCD rebels reportedly publicly beat, arrested, and detained 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu, at Camp Saio (see Sections 1.c. and 2.b.).

On October 29, RCD forces reportedly arrested Jean-Paul Ramazani Kulimushi, director of the Congolese National Radio-Television (RTNC), in Goma (see Section 2.a.). He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi (see Section 5). Biteo told the guardsmen that he was visiting the hospital to see the burned child of a cousin, Mirimo Mulongo. Members of the Presidential Guard then arrested Mulongo, and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and still were believed to be in detention at year's end.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC, which reportedly did not permit the ICRC to visit them.

The law prohibits forced exile, and the Government did not use it in practice; however, the Government did release approximately 3,000 Congolese Tutsis from detention on the condition that they leave the country through internationally sponsored relocation programs. These Tutsis freely chose to leave the country rather than remain in government detention; however, another 300 Congolese Tutsis, Rwandans, Burundians, and Ugandans remained in the country due to difficulties in arranging their repatriation to neighboring countries, particularly Uganda and Burundi. These persons chose to remain under government protection rather than face possible reprisals abroad.

*e. Denial of Fair Public Trial.*—The Transitional Act of the Mobutu regime and Kabila's Decree Law No. 3 provide for the independence of the judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Kabila administration continued to refuse to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated. The judiciary also was ineffective and suffered from corruption. For example, on October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses (see Section 1.d.). All three were released on October 25.

The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional; during the year, military tribunals that have been organized since August 1997 tried nearly all cases and sentenced civilians as well as military personnel to death after summary trials. Defendants before these tribunals had no automatic right to appeal to a higher court, and many apparently lacked counsel.

Death sentences and executions resulting from summary military trials became increasingly frequent as the year progressed. Approximately 200 individuals have been executed by military courts as of year's end, including at least several dozen soldiers executed during the year in relation to a coup plot against the President (see Sections 1.a., 1.b., and 1.d.); however, during the year, no civilians were known to have been executed following a death sentence handed down by the military court. Government military tribunals repeatedly sentenced civilians to death for nonviolent offenses, including mismanagement of public funds and violations of government restrictions on private economic activity, such as private distribution of state-monopolized and state-rationed gasoline. During her visit to the country in October, Kabila assured U.N. High Commissioner for Human Rights Mary Robinson that the military no longer would try civilian cases; however, similar promises have been made previously. Military tribunals also convicted and ordered the execution of military persons charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Persons convicted by military tribunals sometimes were executed publicly in ceremonies held in stadiums and presided over by senior government officials, such as provincial governors; however, it was unknown whether any public executions occurred during the year.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction appears ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. The Kabila administration still had not stated a position on providing counsel by year's end, and had provided it only at its discretion.

Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

On January 15, security agents arrested Oscar Mudiayi Wa Mudiayi and Bernard Tshishimbi, both former employees of the Petroleum Ministry, and brought them before a military court for allegedly selling petroleum illegally. They were detained in Makala prison, where they remained until March 10.

On January 28, eight soldiers were executed after a military court found them guilty of attempting to incite a mutiny in a battalion attached to the Special Rapid Intervention Brigade.

On February 2, nine soldiers were executed, including four from the Presidential Guard, on accusations of murder and armed robbery.

In May a military court sentenced Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique*, to 3 years in prison (see Section 2.a.).

On June 12, Cleophas Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 1.d. and 2.b.). In November 1999, security forces had arrested Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Sections 1.d. and 2.a.).

On February 19, President Kabila decreed a general amnesty for all prisoners detained for crimes against the security of the State. Although several hundred prisoners reportedly were freed as a result of the decree, hundreds more reportedly remain in detention (see Section 1.c.).

On March 10, the Government released 55 political prisoners, and on March 24, released 89 political prisoners, including AFDL cofounder Anselme Masasu (see Sections 1.a. and 1.d.) and former Bas Congo Province governor Fuka Unzola and five associates, all of whom were convicted and sentenced to long prison terms in 1998. The majority of those released in March were soldiers who were retrained and sent to the front.

The Government continued to hold some political prisoners. Observers believe that there were nine political prisoners at year's end, including Kambale Mututulo, former Minister of Parastatals; Luis Hamuli, former employee of the Information Ministry; and Mubake Mumeme, former Deputy Chief of Staff for the President. The precise number of political prisoners could not be ascertained due to restrictions on access to prisons by independent monitors (see Section 1.c.). Persons whom the Government incarcerated during the year for political offenses, including violations of Kabila's ban on political activity, mostly were detained without being tried (see Section 1.d.). The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison. The Government does not allow these organizations to visit the numerous other detention facilities scattered throughout the country. It is in these facilities where most recently arrested detainees are held, questioned, and sometimes subjected to abuse.

In the territories occupied by the various rebel factions, particularly the RCD/Goma, the system of justice remained essentially nonfunctional. Judges seldom were paid their salaries. There were credible reports of judges accepting bribes in return for favorable decisions. RCD/Goma officials and others with influence reportedly used the judicial system to arrest individuals on false charges to extract money and property from these individuals. Credible sources claim that higher RCD/Goma authorities reprimanded judges who refused to participate in such schemes. There also were documented cases of indiscriminate military justice in which individuals suspected of treason were executed without a trial. For example, on January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.a.).

Officially, the RCD/Goma established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative remains largely ignored and ineffective, and there were no reports that RCD/Goma tried, convicted, or punished any of its troops for committing atrocities.

Persons reportedly incarcerated by antigovernment forces for political reasons generally were reported to be detained without being formally tried (see Section 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Security forces routinely ignored legal provisions for the inviolability of the home, the family, and private correspondence. Security force officials often harassed and robbed persons. Government security forces routinely kept under surveillance the headquarters of opposition parties and the movements of leading opposition political figures (see Section 2.b.).

The security forces repeatedly raided private businesses, including newspapers, banks, and law firms, seized documents and other property, and arrested and detained employees whom they accused of collaborating with antigovernment forces (see Sections 1.d. and 2.a.). Security forces routinely ignored requirements for search warrants, entering and searching at will.

When unable to locate a specific individual, authorities routinely arrested or beat the closest family member (see Sections 1.c. and 1.d.). For example, in July 1999, military personnel held hostage the wife and sister of Innocent Kyuma until Kyuma appeared. He was arrested on July 9, 1999, without a warrant and for no apparent reason; his release still had not been reported by year's end (see Section 1.d.).

Security agents forced their way into private homes without search or arrest warrants, often beating the inhabitants and stealing money and goods. There were re-

ports that security forces raped women during these raids. The police often raided opposition party leaders' residences, made arrests, and seized files (see Sections 1.c. and 1.d.). For example, on November 26, a group of armed government soldiers searched and robbed the house of Athanese Matenda Kyelu, the manager of the Chamber of Commerce, in the Ngaliema district of Kinshasa (see Section 1.c.).

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji (see Section 1.d.). The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture.

On January 29, a group of soldiers ransacked the home of Christophe Gbenye, president of the political party Congolese National Movement/Lumumba (MNC/L), for 2 hours while Gbenye was absent. The soldiers were searching for weapons; however, the soldiers confiscated much of Gbenye's personal property before leaving.

On May 2, a group of soldiers ransacked the home of Somwe a Somwe, situated in the Selembao district of Kinshasa.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, the president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers blindfolded and bound Tshisumpa, threw him in their jeep, and drove him around for several hours.

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. The Government widely was believed to monitor telephone communications.

There were credible reports that government forces used forced conscription, and that many of those forced to enlist were children (see Sections 5, 6.c., and 6.d.). On June 9, President Kabila issued a decree to reduce the Government's use of child soldiers and curtail forcible conscription of children during the year; however, the decree was not implemented by year's end. There was no general demobilization of child soldiers during the year, and many children already in the armed forces continued to serve in them. In addition government military commanders allegedly used child soldiers to inflate the ranks of troops under their command in order to acquire additional food and pay, which the commanders would confiscate. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 5). There were credible reports that the FAC forcibly conscripted homeless boys.

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. Mai Mai and other progovernment groups also regularly recruited children from the areas in which they operated.

Antigovernment forces subjected civilians to arbitrary interference with privacy, family, home, and correspondence of civilians in the areas that their forces dominated (see Sections 1.a. and 1.c.).

In the provinces of North and South Kivu, RCD rebels and other antigovernment groups regularly recruited children from the areas in which they operated. In 1999 rebel forces stated that they would reduce their use of child soldiers, and the problem reportedly continued to diminish during the year; however, there were no reports that they generally demobilized child soldiers, and many child soldiers reportedly continued to serve in rebel armed forces.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Throughout the year, war continued with external intervention on both sides. The war began in August 1998, when Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis and the Governments of Rwanda, Uganda, and Burundi relied on these Rwandan forces for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: The Interahamwe militia of ethnic Hutus, mostly from Rwanda, which fought the Tutsi-dominated Government of Rwanda, and Hutu members of the former Rwandan armed forces, two groups whose members are believed to be responsible for the 1994 genocide of Tutsis in Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces that is growing in both popularity and numbers; the Alliance of Democratic Forces (ADF), consisting of Ugandan expatriates and supported by the Government of Sudan; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government in Bujumbura. Kabila's attempt to expel the Rwandan armed forces was frustrated by the outbreak in August 1998 of a rebellion, led by the RCD. The

RCD/Goma was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, material, and direction from the Government of Rwanda, and, to a lesser extent, the Government of Uganda. Military intervention by Angola, Chad, Namibia, and Zimbabwe resulted in the defeat of an RCD drive on Kinshasa in August 1998, but antigovernment forces advanced elsewhere. In 1999 the rebels split into three factions: A Rwandan-supported faction of the RCD based in Goma; a Ugandan-supported faction of the RCD based in Bunia; and the Ugandan-supported Movement for the Liberation of the Congo, which unlike the original RCD was not dominated by ethnic Tutsis. Nevertheless, antigovernment forces advanced and controlled most of the country's territory, including its eastern and northern regions; however, during the year, the military situation largely stabilized except in Equateur Province. Elements of the armed forces of Rwanda and Uganda continued to operate inside the country in support of rebels, and elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi. Elements of the armed forces of Angola, Namibia, and Zimbabwe continued to operate inside the country in support of the Government throughout the year, but Chadian forces withdrew from the country in May 1999. Nongovernmental armed groups such as the Interahamwe, former Rwandan Hutu military, and Mai Mai continued to operate inside the country on the side of the Government, often as guerrillas inside territory held by antigovernment forces. Cease-fire accords signed in July and August 1999 between progovernment and antigovernment forces only briefly reduced the intensity of the war. During the year, all sides violated the cease-fire, although the level of fighting generally was limited. All sides repeatedly used excessive force and committed numerous abuses. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.a.).

Government and progovernment forces routinely used excessive force by bombing civilian populations in air raids against towns held by antigovernment forces. The crude bombs used, their manner of delivery (rolled out of an aircraft through an open hatch), and the fact that the raids were carried out at night over populated areas, nearly always resulted in heavy civilian casualties and little or no damage to antigovernment forces; however, it is uncertain how many civilians were killed in these attacks. According to a report by the U.N. Special Rapporteur on the Situation of Human Rights in the Democratic Republic of the Congo, not only the Government's armed forces but also elements of the armed forces of other countries, including Zimbabwe, conducted such bombings.

Government security forces continued to use child soldiers but reduced their overall forcible recruitment of child soldiers during the year (see Sections 1.f. and 5).

There were reports that Mai Mai and Hutu guerrillas fighting on the side of the Government killed and tortured noncombatants (see Sections 1.a. and 1.c.).

There were many reports, at least some of them credible, that elements of the Rwandan armed forces and the Goma faction of the RCD repeatedly committed mass killings of noncombatants, usually in reprisal for attacks in the same area on RCD forces by Mai Mai or Hutu groups (see Section 1.a.). In addition Rwandan soldiers and RCD rebels reportedly engaged in dismembering their victims with machete blows while they still were alive. Rwandan troops and RCD rebels also reportedly engaged in the raping of women in public and often in the presence of their families and in-laws (see Section 1.c.). Rebel forces reportedly continued to use child soldiers (see Sections 1.f. and 6.c.).

On two occasions during the year, Rwandan and Ugandan forces fought open battles in the streets of Kisangani, resulting in hundreds of civilian deaths, as well as thousands of wounded and displaced persons (see Sections 1.a. and 2.d.).

The Government also held POW's. An exchange of POW's was called for in the Lusaka Accords. In June the Government released 93 Rwandan POW's, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian POW's.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Statutes provide for freedom of speech and of the press, and remain in effect; however, the Government increasingly restricted these rights in practice.

The CPP's that Kabila formed in 1999 monitored persons' speech, association, and movement, in residential areas, workplaces, and schools, and reported speeches critical of the Government to security forces. Although the CPP's were not part of the formal structure of the State, they clearly acted as agencies of the Government.

Incidents of harassment, intimidation, and detention of journalists continued to occur, and violations of press freedom were more common, particularly in the last few months of the year. During the year, government security forces arrested and

detained more than 10 journalists compared to 80 in 1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. Other journalists were subjected to harassment, beatings, and torture. Police seized radio stations, shut down newspapers, and set fire to publishing houses. The Government shut down radio and television stations and disrupted the operations of newspapers. State authorities arrested, questioned, harassed, and expelled foreign journalists and banned the transmission of some international radio broadcasts.

Almost 400 newspapers were licensed to publish, and a number of them appeared regularly in Kinshasa. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, eight were dailies; the rest of the newspapers that appeared regularly were published between one and three times a week. Most private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There were no overtly government-controlled newspapers; however, at least two newspapers, *L'Avenir* and *L'Observateur*, were supported respectively by the Office of the President and the Ministry of Foreign Affairs. *Le Forum* and *Le Palmares* have close ties to the security services. Of these, only *Le Palmares* and *L'Avenir* were published daily.

A 1996 press law regulates the newspaper industry. Publishers must continue to deposit copies of their publications with the Information Ministry; however, there is no longer a formal censorship regime. Criminal libel laws exist but were not used against journalists. In most cases where journalists were charged formally, state authorities charged them with "endangering the State" through the publication or broadcast of political news, or news of the war. Charges often were brought under the 1996 press law; however, the Government had not published the law in 4 years, and many of the judges, as well as the journalists on trial, are unfamiliar with it. Government officials criticized or implicated in fraudulent practices by the press at times encouraged police to arrest the journalists responsible for such stories.

In November 1999, security forces arrested Cleophas Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Section 1.d.). On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; however, he remained in detention at year's end (see Sections 1.d. and 2.b.).

On January 3, security forces arrested and tortured Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique*, after he reportedly wrote two articles that claimed that elements in Kinshasa were planning a coup against President Kabila (see Sections 1.c. and 1.d.). Security forces reportedly kept Loseke incommunicado at Makala prison; family members were not allowed to visit him, and guards reportedly stole and ate the food that family members brought for him. Security agents allegedly subjected Loseke to torture (see Section 1.c.); he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison for publishing an article about a general who allegedly was plotting to assassinate President Kabila (see Section 1.e.).

On January 8, presidential guards arrested Mossi Mwassi, a journalist, allegedly for speaking English. He was charged with libel and infringing on public security, but was released on January 11.

On January 10, ANR agents summoned to an unknown location Father Fabien Kenta, director of the private Catholic radio station Radio Elikya. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

On February 26, police arrested and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere*. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks. The students fled when police surrounded the vehicle after it stopped in traffic; however, the police found Phukuta inside the vehicle and severely beat him before placing him under detention (see Sections 1.c. and 1.d.). Police accused Phukuta of having insulted the President; security forces reportedly tortured Phukuta and left permanent physical scars. Police reportedly continue to threaten his life, although he was released shortly after his arrest (see Section 4).

On March 13, police arrested journalist Nyembo Kimunyi because of an article he wrote in the weekly newspaper *La Tribune* that claimed Kabila's deceased brother had engaged in human rights abuses as head of the ANR in Lubumbashi. The arti-

cle reportedly stated that the ANR in Lubumbashi is known for "terror, extortion, and retaliation." The ANR released Kimunyi in July; it was unknown whether any charges were filed against him.

On April 24, police arrested two journalists, Jean Bruno Kadima and Jose Ntumba Moukanda, the director of publications and a reporter for the weekly newspaper *Umoja* respectively (see Section 1.d.). Security forces gave no reason for the arrest, nor were any charges made against the pair. They were released on May 3.

On June 12, security forces arrested Aime Kakese of the newspaper *La Carousel* after he refused to provide police with the address of a journalist that they were seeking. A military court sentenced Kakese to 2 years in prison; however, he was released in December.

On June 12, security forces arrested Richard Nsamba, editor of *Le Messenger Africain*, for publishing articles unfavorable to Charles Okoto, the former governor of Eastern Kasai Province and current head of the parastatal MIBA. He was convicted by a military court, but he was released in September after serving a brief sentence.

Also in June, security forces arrested Jean-Pierre Ekanga of the newspaper *La Tribune de la Nation* for allegedly providing inaccurate information on the newspaper's relationship with Nicolas Katako, husband of Transportation Minister Odette Babandoa. Katako was jailed for collaborating with journalists; Ekanga was sentenced to 2 years in prison but was released in December.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR (see Section 1.d.). She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations.

On September 1, police arrested journalist Frank Baku of the daily newspaper *La Reference Plus* after Baku criticized the country's judicial system. Baku was released in October.

On November 8, ANR agents arrested and detained Kinyongo Saleh, editor of the newspaper *La Vision*, at a facility in Kinshasa. Family members were not permitted to visit Kinyongo, and he remained in detention at year's end.

On November 12, security forces arrested Feu d'or Bosange Ifonge, a music reporter for the newspaper *L'Alarme*, for selling copies of the newspaper with an article that claimed that the city of Mbandaka in Equateur Province was burning.

On November 17, FAC forces allegedly briefly detained a journalist covering the student protest at the Institut Pedagogique National (IPN) in Kinshasa and confiscated her recordings (see Sections 1.c., 1.d., and 2.b.).

In November 1999, security forces arrested and detained Honsek Hokwoy, the editor of the newspaper *La Solidarite*, after Honsek claimed in print that Finance Minister Mawampanga Mwana Nanga had been arrested. He was released on February 4.

In November 1999, security forces arrested and detained for 66 days without trial Kazadi Djodjo Mbayo, director of the publication *La Palme d'Or*; he was released on January 15. Kazadi reportedly was arrested for "having committed an outrage against the Chief of State and inciting revolt." As a condition of his release, Kazadi reportedly promised never to write another article about the President that could be deemed derogatory; he also promised to inform the ANR of any other derogatory information.

In December 1999, security forces arrested and detained a newspaper street vendor, Gaspard Baila, after the front page of the *Pot-Pourri* satirical newspaper he was selling criticized fraud and embezzlement within the Government. Security forces reportedly subjected Baila to physical abuse. He was released on January 12.

Security forces continued to detain Albert Bosange Yema, a journalist employed by *L'Alarme*, who was arrested in 1999 after he reportedly wrote an erroneous article on the capture of Lake Mukamba by the rebels. However, he had escaped from prison and was living in exile at year's end.

The Government also harassed foreign journalists and academics by searching their luggage for professional notes, preventing their departure from the country, and detaining them for questioning. On September 15, immigration authorities arrested foreign journalist Francois Grignon after searching his luggage at the airport and uncovering interview notes. Grignon had been researching a report for the International Crisis Group (ICG). On September 22, security agents arrested foreign journalist Nicholas Long on suspicion that he was working with Grignon. Long was released within a few hours; Grignon spent 1 week in detention before authorities allowed him to leave the country. On September 27, immigration police detained foreign journalists Richard Dowden and Koert Lindyer after searching their luggage and uncovering notes, which were believed to have contained information on interviews with government officials and foreign diplomats. Both were released within a few days and departed the country.

Government security forces sometimes seized individual issues of various newspapers or printing equipment. During the year, security forces continued occasionally to seize newspapers from street vendors to prevent circulation of articles deemed damaging to the Government.

On November 30, the ANR warned independent newspapers in Kinshasa not to publish stories about the army or the security services.

Due to limited literacy and the higher costs of newspapers and television, radio remained the most important medium of public information. At year's end, six radio stations operated in Kinshasa. During the year, the Government nationalized one radio and television station, RTKM, which was owned by Ngongo Ngongo Lowowo, a former Information Minister under Mobutu. In 1997 the Government lifted the Mobutu regime's ban on news programming on private radio; however, two radio stations continued to be state-owned and government-controlled. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. During the year, the Government closed down private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government.

Eight television stations broadcast in the Kinshasa area, two of which are state-controlled and two of which are religious. The status of these stations remains unclear after the Ministry of Communication announced in September that it would nationalize three broadcast corporations, including RTKM and two television stations owned by Jean-Pierre Bemba: "Antenne A" and "Canal Kin." The Ministry also ordered seven privately owned radio stations and three privately owned television stations to cease broadcasts. Communication Minister Dominique Sakombi invoked a 1996 broadcast law to legitimize the closings. Credible sources claim that the move also had financial motivations, as Sakombi ordered each of the stations that were shut down to pay the Communication Ministry a tax equivalent to 18 percent of each station's advertising revenue; the Ministry of Finance normally collects such taxes. However, by October most broadcast stations that the Government closed had resumed broadcasting. The Government motive for the shutdowns and reopenings remained unclear. Opposition parties remained unable to gain access to state-controlled television. Other methods of silencing the broadcast media have included burning down radio stations and expelling journalists from their homes; however, no such incidents occurred during the year.

The Government continued to restrict severely foreign broadcasts during the year. In 1999 then Information Minister Didier Mumengi ordered privately owned radio and television stations to cease transmitting foreign broadcasts. The order was aimed at Elikya, a Catholic radio station that transmits Radio Vatican, and Raga FM, which broadcasts the Voice of America (VOA), the British Broadcasting Corporation (BBC) world service, and Deutsche Welle. However, Kinshasa still receives Radio France Internationale, which is transmitted from nearby Brazzaville.

At year's end, there were two domestic Internet service providers. Because of technical difficulties and high costs, the Internet is not used widely.

Some antigovernment forces, including the RCD/Goma, reportedly restricted freedom of speech and of the press; at year's end, there reportedly were no independent media in areas controlled by the RCD/Goma.

Antigovernment forces reportedly arrested journalists. For example on October 29, RCD forces allegedly arrested Jean-Paul Ramazani Kulimushi, director of the RTNC, in Goma. Ramazani Kulimushi reportedly broadcast a commentary critical of the conduct of certain RCD soldiers. He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In 1999 RCD/Goma security forces in Bukavu in South Kivu Province seized the radio transmitter and other equipment from the private radio station Radio Maendeleo, effectively taking it off the air. Despite wide appeals, RCD authorities refused to return the confiscated equipment.

Academic freedom continued to be endangered as professors exercised self-censorship or modified their lectures to suit the views of their patrons in the Government. Faculty members complained that members of the Government took a strong interest in activities at their universities. The regime monitored university classrooms through student and teacher members of the CPP's (see Section 2.b.). During the year, the CPP's remained active on university campuses in Kinshasa and Lubumbashi, employing a cadre of both students and faculty. Several students were arrested after CPP members reported them for questioning the Government. Some students went into hiding after security forces suspected that they were in contact with foreigners. Security officials arrested several students for organizing strikes at Kinshasa University (see Sections 1.d. and 2.b.). In July 1999, security forces in Lubumbashi arrested Professor Kambaj wa Kambaji because of the professor's critical analysis of the use of ethnic hate radio in Congolese politics. Professor Kambaji



and two colleagues, Richard Tshivuadi and Tabu Kalala, were released from an ANR facility in Kinshasa on April 6.

*b. Freedom of Peaceful Assembly and Association.*—There is no legal protection for freedom of assembly, and the Government continued to restrict this right severely. The Government considers the rights to assemble and associate subordinate to the maintenance of “public order.” The Government requires all organizers to apply for permits, which are granted or rejected at the Government’s discretion. Public activities generally are dispersed by government security services. However, the Government sanctioned pro-Kabila demonstrations, including demonstrations against foreign embassies and the offices of the U.N., which included rock throwing and threats.

On January 7, military security officials arrested seven members of the opposition political party PALU when they attempted to hold a meeting in the commune of Lemba. Authorities filed no formal charges, and the matter never was presented to a civil court for arbitration. The seven were released on January 11.

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa. Immediately prior to the event, police arrested some FSD members who had gathered for the demonstration (see Section 1.d.); all were released that evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests.

On May 17, police dispersed a demonstration by Kinshasa University students to demand that the University repair restrooms that had not functioned properly for almost a year. On May 25, security agents arrested student Placide Nkoso, allegedly for organizing the demonstration (see Section 1.d.). Police also arrested another student, Jean-Pierre Mofila Mboma, and detained both students for collaborating with MLC rebels (see Section 1.d.). On July 18, there were unconfirmed reports that security force agents arrested a Kinshasa University student known only as Kosso, in connection with a student demonstration on July 17 (see Section 1.d.); the protest also was directed against poor sanitation. Kosso remained in detention at year’s end.

On July 19, security forces arrested 10 members of the UDPS opposition party who had gathered at the home of a party member. They remained in detention pending trial at year’s end; two members reportedly are in poor health.

On November 17, approximately 800 students at the Institut Pédagogique National (IPN) in Kinshasa reportedly demonstrated to protest the arrest and beating of 10 classmates the previous night. The incident reportedly started on November 16 when police arrested two students carrying their lunches on campus, because the police wanted the food. Police beat 10 students who intervened on the others’ behalf, and several students were arrested. Allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Section 2.a.). The commander of the police detachment reportedly was arrested following the incident.

On April 6, two UDPS party members, who were arrested for attending an “illegal” political meeting in May 1999, were released from detention. The two activists, Professor Alidor Muamba Ntita and Raymond Kabala, were detained without charges.

Freedom of assembly sometimes was respected in rebel-held areas in the country. On January 31 in Bukavu, and on February 7 in Goma, citywide strikes (“villes mortes”) were held to protest the occupation of the cities by rebels and Rwandan and Ugandan forces. The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

On July 19, approximately 4,000 Banyamulenge reportedly demonstrated in Bukavu and Uvira against the presence of RCD/Goma and Rwandan troops in the Kivu Provinces (see Section 1.g.).

On August 29, RCD/Goma soldiers arrested and detained for a month four South Kivu Province civil society members in connection with the bombing of an outdoor festival in Bukavu, after the four reportedly blamed Rwandan and RCD soldiers for the bombing (see Section 1.d.). On August 29, Bukavu students demonstrated to protest their arrest. In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student (see Section 1.a.). RCD forces arrested several students but released them the following day (see Section 1.d.).

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, the Government suspended political party activities but not political parties themselves. In 1999 President Kabila issued a decree that partially lifted the ban on political party activities; however, the decree allows the Interior Minister to ban parties arbitrarily, and requires that legally recognized parties have members from all provinces, a require-

ment that could not be satisfied under war conditions. Moreover, in practice the Government continued to ban any political activity by opposition groups beyond small administrative meetings. On April 29, the Interior Minister stated that no political party was authorized to operate unless it conformed to the decree and that no non-profit organization was authorized to operate unless it conformed to Decree No. 195.

In July 1999, Kabila issued a presidential decree that legalized the CPP's and proclaimed that all political activity must pass through the CPP's, which he leads. This decree was criticized widely.

Individuals from opposition parties served in Kabila's Government, but in their individual capacities (see Section 3). Political party offices generally remained open, and parties continued internal administrative functions. At different times and for different periods, the headquarters of various political parties were under surveillance, padlocked, or patrolled by soldiers (see Section 3). The Government effectively prevented public political gatherings and even arrested opposition activists engaged in small private meetings (see Section 1.d.). The effects of the restrictions on political parties varied widely throughout the country, and they were enforced less strictly in some provinces.

The law allows anyone to form a new political party by registering with the Minister of Interior; however, in practice no political parties were registered during the year. The President's January 1999 decree required that all political parties, including existing parties, register. Two progovernment parties and a splinter group completed the registration process but were not registered by year's end. The splinter group was a dissident faction of the UDPS. The Government recognized and registered the group in September in an attempt to diminish the stature and political potential of the original UDPS and its leader, Etienne Tshisekedi. The move came shortly after Tshisekedi's party filed a legal claim against President Kabila in a Belgian court. The UDPS already had filed a similar claim against then-Foreign Minister Yerodia Abdoulaye, which concluded in July with the issuance of an international arrest warrant for Yerodia on charges of inciting racial hatred and genocide (see Section 1.a.).

On January 16, policemen surrounded the home of Joseph Olenghankoy, president of the FONUS opposition party, in the Ngaliema neighborhood of Kinshasa, to disrupt a ceremony in which Olenghankoy intended to deliver a New Year's Message. Police arrested Mukendi Kadima, who was attending the ceremony, after they searched him and discovered a business card belonging to the leader of the Human Rights NGO, La Voix des Sans Voix (VSV). Mukendi was detained for 2 days and questioned by police. Under pressure from the VSV and family members, police released Mukendi on January 18.

On February 14, police and ANR agents in Matadi stopped five members of Bundi Dia Kongo (BDK) and told them that the provincial governor wished to see them. The police drove them to the train station and sent them to Kinshasa where they were arrested and detained by the ANR. The five were detained without formal charges until March 7; however, police claimed that they were conspiring to incite an anti-Kabila revolt in the Bas Congo Province.

On February 29, police arrested 10 members of the UDPS opposition political party, who reportedly were standing outside the home of party president Etienne Tshisekedi, when they became involved in a confrontation with two women who reportedly provoked them by singing pro-Kabila songs. Police released them on March 1 without filing any formal charges.

On April 8, police arrested 12 members of the National Alliance for Development and Reconstruction (ANADER) in the Lemba district of Kinshasa. They were charged with conducting political activities outlawed under Decree No. 194, which governs political activity. Police released them on April 10.

On June 5, security agents at Ndjili airport in Kinshasa prevented leaders of opposition parties and civil society from traveling to Cotonou, Benin, to attend preparatory meetings for the Congolese National Dialogue (see Section 2.d.).

In November 1999, security forces arrested Cleophas Kamitatu Massamba after he founded a political organization of former Mobutuists and criticized the Government in a radio broadcast. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds. The Kabila Government claimed Kamitatu inappropriately had sold the Congolese Embassy building without government authorization while he was ambassador to Japan several years earlier. He remained in prison at year's end.

NGO's are required to register with the Minister of Justice and file copies of internal regulations and descriptions of organizational structure. In 1999 President Kabila promulgated a decree that restricted the activities of NGO's, including religious organizations, by establishing requirements for their activities. However, some

existing organizations were exempt, and the decree was not enforced during the year.

Security forces arrested individuals visiting foreign embassies, as well as persons who had contact with NGO's or citizens living in other countries (see Sections 1.d., 1.f., and 4).

Antigovernment forces seriously restricted freedom of assembly and association in the areas that they controlled. In March 1999, RCD/Goma authorities refused to let women march in Bukavu in celebration of International Woman's Day and to protest the war. In March the women planned to stay at home in what they called "A Day Without Women" in order to protest fathers and husbands dying in the war. On March 6, RCD/Goma security agents raided the offices of a women's group, Réseau des Femmes Pour La Defense de Droits et de la Paix (see Section 4). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident after RCD/Goma authorities coerced employers to dismiss them.

Following the death of Archbishop Kataliko on October 3, RCD/Goma security forces used gunfire to disperse a demonstration on October 4 in Bukavu following news of the Archbishop's death. RCD soldiers reportedly killed a child in the shooting.

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu, and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio (see Sections 1.c., 1.d., and 4).

*c. Freedom of Religion.*—Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshippers neither disturbed public order nor contradicted commonly held morals; however, government forces committed some abuses.

A 1971 law regulating religious organizations grants civil servants the power to establish and dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990, when the Government suspended its recognition of Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although this law restricts the process for official recognition, officially recognized religions are free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worship freely.

On January 29, 1999, President Kabila promulgated a decree that restricts the activities of NGO's, including religious organizations, by establishing requirements for them; however, existing religious organizations were exempt, and the decree subsequently was not enforced.

In July the progovernment press printed articles critical of religious organizations.

Although the Government required foreign religious groups to obtain the approval of the President through the Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and foreign missionaries are allowed to proselytize. The Government generally did not interfere with foreign missionaries. However, foreign missionaries have not been exempt from general human rights abuses by security forces.

While the Government is tolerant in matters of religion, some abuses occurred in government-controlled areas as a result of the war. These abuses, usually the ransacking of churches and the pilfering of church property, generally were the result of a lack of discipline among government troops.

A government order in July 1999 prohibiting private radio stations from transmitting foreign radio broadcasts effectively targeted a Catholic radio station that was compelled to cease broadcasting programs of foreign origin (see Section 2.a.). The target was not religious broadcasts; rather it was foreign programs critical of the Government. Catholic radio stations did not broadcast foreign radio transmissions during the year.

On January 10, ANR agents summoned Father Fabien Kenta, director of the private Catholic radio station Radio Elikya to an unknown location. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

In areas of the country under the military occupation of Rwanda, Uganda, and their respective rebel clients, religious freedom deteriorated. Numerous human rights groups reported significant abuses in these areas by the occupying troops of Rwanda and Uganda, as well as various rebel factions, which targeted Catholic clergy. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. Credible reports indicate that occupying troops and their rebel allies deliberately targeted Catholic churches as a means of both intimidating the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda.

On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu, Emmanuel Kataliko, from returning to his diocese (see Section 2.d.). Rebels alleged that the Archbishop's Christmas message urged harassment of Tutsis in the East. A number of sources in the occupied territories indicate that the decision to exile Kataliko in the town of Bunia was made by officials of the Government of Rwanda. Archbishop Kataliko was allowed to return to Bukavu in September; however, on October 3, the Archbishop died of a heart attack while in Rome.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta, whom they forced to kneel, and then shot and killed (see Section 1.a.).

On June 18 and 19, approximately 50 soldiers attacked and pillaged a Catholic church and convent in the town of Kabare, South Kivu Province; 3 civilians were killed (see Section 1.a.). The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although the law allows for freedom of movement, the Government, and in particular the security forces acting independently, continued to restrict this freedom; the Government increased its restrictions after the war began. The war also brought new restrictions on internal travel within the government-controlled and rebel-controlled zones and made movement between the two zones difficult and dangerous.

Even before the war, security forces throughout the country established and manned many roadblocks at which they demanded that travelers produce documents and bribes. There were many more such roadblocks than could be justified by public safety considerations; both their numbers and the conduct of the security force members manning them indicated that their main function was to extort money and goods from travelers to supplement their below-subsistence level official wages. This made internal travel costlier, more time consuming, and more dangerous, since violence, including shootings, was not uncommon at these roadblocks.

In Kinshasa police and soldiers commonly erected roadblocks in order to extract bribes from taxibus drivers and passengers. On January 18, in the Gombe district of Kinshasa, there were unconfirmed reports that security forces forced passengers who allegedly were riding in excess of the capacity of a taxibus to pay bribes. Security forces allegedly severely beat one passenger, 30-year-old Mawete Pindi. Reportedly there was no investigation nor action taken in this case by year's end. In January FAC soldiers and police erected roadblocks in various districts of Kinshasa in order to extort money from each minibus passenger who crossed the roadblock. On the evening of January 20, soldiers under the command of Commandant Mvunzi beat a passenger, known as Ndule, for not having enough money to pay the fee. Reportedly there was no investigation nor action taken in this case by year's end.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 1.c.).

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available; however, there were several known cases in which a political leader was denied an exit visa during the year. Security forces occasionally hindered foreign travel by citizens, including journalists (see Section 2.a.).

In January immigration officials prevented FONUS opposition leader Joseph Olenghankoy from traveling abroad. The Government gave no explanation for its actions. On March 8, immigration security agents again detained Olenghankoy as he attempted to depart Kinshasa for Brazzaville, Republic of the Congo. Immigration officials confiscated all of his documents and prevented him from leaving the country.

On February 16, immigration officials confiscated the passport and airline ticket of Christophe Lutundula Apala, a member of the Mouvement Solarite pour la Democratie et le Developpement (MSDD), a think tank, as he prepared to board a plane to attend an international conference on democratic transitions in Benin. He departed on February 18 after La Francophonie and other organizations petitioned the Government to permit his departure.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a pre-

paratory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 3). The Government already had expressed its intention not to participate in the U.N.-sponsored forum, which had been organized by Inter-Congolese Dialogue facilitator and former Botswana Prime Minister Sir Ketumile Masire. The Government successfully prevented initial efforts to launch the forum by preventing civil society and opposition groups from participating and confiscating all travel documents of intended participants. By year's end, the Government still had not returned the travel documents of these individuals.

The Government also prevented the departure of foreign journalists. Airport immigration officials searched luggage, confiscated notes, and detained the journalists for questioning (see Section 2.a.).

The Government lifted Kinshasa's nighttime curfew in December 1999. No new curfew was imposed during the year.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in many neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in many parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

Freedom of movement in the rebel-controlled territories was restricted severely during the year as a result of fighting between the rebels, Rwandan and Ugandan forces, the Mai Mai, and the Interahamwe. Travel across the war front often was inconvenient and sometimes impossible.

In the eastern portion of the country, rebel forces prevented travel and harassed travelers. On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu from returning to his diocese (see Section 2.c.). RCD/Goma officials allowed Archbishop Kataliko to return to Bukavu in September, following visits and direct appeals to the RCD/Goma by high level foreign government and Catholic Church officials; however, the Archbishop died of a heart attack less than 3 weeks later while in Rome.

Rebel and Rwandan authorities used threats and intimidation to prevent several dozen Congolese who had traveled from the occupied territories from returning after attending the National Consultations. This action resulted in civil society members from the occupied territories being stranded in Kinshasa for weeks, and sometimes months, after the National Consultations. On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August. Rwandan authorities freed Bahati following international pressure (see Section 1.d.).

An international human rights NGO estimates that there are approximately 1.5 million IDP's in the country. Approximately 60,000 persons were displaced during fighting between Rwandan and Ugandan forces in Kisangani in May and June (see Section 1.a.). There are many camps for IDP's, especially in the eastern half of the country. Persons at these camps were subjected to attacks by government and rebel groups. For example, in July a group believed to be Interahamwe attacked an IDP camp in North Kivu Province. Approximately 50 persons were killed, including some who were burned alive inside their homes (see Section 1.a.). During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 1.a.).

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the Republic of the Congo during the year, and approximately 330,000 refugees from neighboring countries, including Rwanda, Burundi, Angola, Uganda, and Sudan, live in the country.

Unlike in the previous year, there were no known reports of the forced repatriation of refugees during the year.

According to international human rights NGO's, approximately 300,000 Congolese refugees lived in neighboring countries during the year, including approximately 100,000 in the Republic of the Congo and 9,000 in the Central African Republic. In the last months of the year, thousands of refugees fled to Zambia from the increased fighting in Katanga Province.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies fluctuated wildly. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 4). The Minister of Interior personally had to sign travel authorizations for foreign aid workers, which created delays in travel. The Ministry of Human Rights and in particular Human Rights Minister She Okitundu played an active role in organizing the protection and voluntary departure of Tutsis who were not incarcerated before their departure from the country. Since the start of the

war, the Government has stopped its former practice of involuntarily repatriating Hutus to Rwanda.

UNHCR cooperated with NGO's and antigovernment forces in voluntarily repatriating Rwandan Hutus to Rwanda. There was no independent confirmation of news reports from May 1999 that antigovernment forces were repatriating Rwandan Hutus involuntarily; there were no known reports of such forced repatriation during the year.

Antigovernment forces also imposed travel restrictions on NGO's (see Section 4).

*Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960.

In his May 1997 inaugural address, President Kabila promised a constitution and elections by 1999; however, the 1998 outbreak of war effectively prevented the holding of national elections. The President used the pretext of war to suppress the activities of political opposition parties and continued to rule by decree. The war also provided a reason for security forces to arrest persons at will on charges of subversion or being in league with the rebellion (see Sections 1.d. and 1.e.).

The Government did not pursue the ratification of the proposed constitution drafted in 1998; after it was disseminated in 1998 to the press, many leaders of political parties, NGO's, and religious organizations criticized it as insufficiently democratic.

The cease-fire accords signed in July and August 1999 at Lusaka, Zambia, between the Government, progovernment, and antigovernment forces called for an open national dialog among all political parties and civil society groups. However, the Government repeatedly used its power to stifle any meaningful dialog. In March church groups attempted to hold a National Consultation, an initiative that the Government seized to carry out its own agenda; it filled meetings with its own supporters. Despite the Government's effort to control the National Consultation, the body did not accept the Government's agenda. In April the delegates presented President Kabila with a list of recommendations. The delegates urged the Government to release political prisoners, open the political process, abolish the CPP's, and free jailed journalists. The Government ignored these recommendations and instead turned to the guidance provided by its own delegates, which in essence urged the President to ignore key provisions of the Lusaka Accords. The Government subsequently reaffirmed during the year its commitment to participate in a national dialog under the control of a neutral facilitator; however, it continued to obstruct and frustrate facilitator Sir Ketumile Masire. Throughout the year, the Government attempted to divert the national dialog by using a variety of political maneuvers designed as substitutes for real political discussion and sought to create a forum that the Government intended to control. The Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. The Government also appointed members of the Assembly based on past services to President Kabila and loyalty to the Kabila regime.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a preparatory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 2.d.).

Although the Government did not ban political parties, it continued to impose severe restrictions on their activities, and to enforce these restrictions with numerous arrests and detentions (see Sections 1.d. and 2.b.). On occasion authorities tortured opposition activists, including UDPS activist Crispin Ipondo Banda and FONUS second vice president Freddy Lomboto wa Lomboto (see Section 1.c.). In practice the Government continued to restrict operations of political parties to internal administrative functions only. At various times, government security forces put opposition political party members under surveillance, and police also raided party headquarters and homes (see Section 1.f.). Authorities at times denied exit visas to opposition political leaders (see Section 2.d.).

Hundreds of political activists were arrested for engaging in political activity and detained for prolonged periods (see Sections 1.d. and 2.b.). For example, on February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 1.d.). They were released on February 25.

The State continued to be highly centralized in many ways. The central government executive, in Kinshasa, generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed from Kinshasa. Provincial government resources, both financial and logistical, have come almost exclusively from Kinshasa since Kabila took control of the Government.

A disproportionate number of officials in Kabila's Government were from the President's home province of Katanga and from his Muluba tribe (see Section 5).

There are no official restrictions on the participation of women or minorities in politics; however, in practice women and minorities are underrepresented in government and politics, and there are few women or Muslims in senior positions in the Government or in political parties. There were six female ministers and vice ministers in the Cabinet at year's end. There were no known Muslim ministers in the Cabinet.

The rebel movements established civil administrations in the areas controlled by antigovernment forces, including appointment of provincial governors and issuance of visas for foreigners to travel into their areas. Rebel authorities reportedly began training police forces but appointed local officials rather than holding local elections.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government showed increased hostility to effective human rights organizations, both domestic or international, operating in the country. Local human rights NGO's continued to investigate and publish their findings on human rights cases, but these activities took place in the context of significant government harassment. Such harassment led to a decrease in reporting of human rights violations. There reportedly were several attacks against local and international human rights NGO's during the year.

The main domestic human rights organizations operating in the country include Comité Droits de l'Homme Maintenant, a national network of human rights organizations; VSV, an active Kinshasabased organization; Groupe Jérémie and Groupe Amos, two Christianinspired groups that focus on human rights and democracy problems; Comités des Observateurs des Droits de l'Homme, a human rights monitoring group; Toges Noires, an international association of lawyers and judges involved with human rights; and Associations de Défense des Droits de l'Homme. In addition numerous groups are active that are involved with development and with specific problems such as voter education and women's rights.

Local human rights activists were subjected to frequent harassment, arrest, and detention by security forces (see Sections 1.c., 1.d., and 1.f.). The legality of such arrests often was unclear, as was the authority of the security forces members who affected the arrests and detentions. Security agents and police arrested, and on some occasions, beat or tortured, a number of persons for being members of human rights NGO's or for possessing literature distributed by human rights NGO's, including Kayembe Kasuku, a member of Lawyer's Without Borders; Time Missine; Betshi Pitcal; Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of Justice Sans Frontière; and Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR) (see Section 1.d.). Unlike in the previous year, VSV staff was not subjected to government harassment.

The Government often obstructed the travel of MONUC personnel throughout the country. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 2.d.).

U.N. Special Rapporteur for Human Rights in the Democratic Republic of the Congo, Roberto Garreton, visited the country in August. After reviewing the prevailing human rights situation, the U.N. Rapporteur called for the release of political prisoners and the end of capital punishment in the country. He expressed concern at the abuses of and absence of due process in government military tribunals, as well as at a wide variety of serious abuses in both government-controlled and RCD-controlled territory.

Human rights groups and members of political, religious, and other nongovernmental organizations in the parts of the country held by antigovernment forces frequently were harassed and detained on suspicion of helping the Government (see Sections 1.c. and 1.d.).

On March 6, RCD/Goma security agents raided the offices of a women's group, Réseau des Femmes Pour La Défense de Droits et de la Paix (see Section 2.b.). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident as RCD/Goma authorities coerced employers to dismiss them.

Rebel security agents, including Rwandan Government and RCD/Goma officials, harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations in March. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention in February and March (see Sections 1.d. and 3). Following international pressure, all of the delegates were released. On April 22, security forces arrested and detained civil society activist Bruno Bahati when he returned from the National Consultations (see Sections 1.d. and 2.a.).

On May 15, RCD/ML forces arrested and detained Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province (see Section 1.d.).

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio in Bukavu (see Sections 1.c., 1.d., and 2.b.). The rebels also looted the offices of Groupe Jeremie where the meeting occurred.

Antigovernment forces permitted some humanitarian NGO's to work in rebel-held areas, and those NGO's reported that their working environment improved in some of those areas during the year.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; however, the Government did not enforce these prohibitions effectively and continued to act with serious official prejudice against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Tutsis, Muslims, and the indigenous Pygmy (Batwa) people.

*Women.*—Domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. The police rarely intervene in domestic disputes. Rape is a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appear only if rape occurs in conjunction with another crime.

Women are relegated to a secondary role in society. They constitute the majority of primary agricultural laborers and small-scale traders and are almost exclusively responsible for child rearing. In the nontraditional sector, women commonly receive less pay for comparable work. Only rarely do they occupy positions of authority or high responsibility. Women also tend to receive less education than men. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. A 1987 revision of the Family Code permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce. In practice sometimes consistent with customary law, women are denied these rights. Widows commonly are stripped of all possessions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations are working to combat this custom, but there generally is no government intervention or legal recourse available. Women also are denied custody of their children in divorce cases, but they retain the right to visit them. Polygyny is practiced, although it is illegal. Father-child relationships resulting from polygynous unions are recognized legally, but only the first wife is recognized legally as a spouse.

Prostitution is not a crime and there has been an increase in prostitution due to poor economic conditions. Women sometimes are forced into prostitution by their families due to economic necessity. There was no information available as to the extent of prostitution outside of the cities.

There were a number of active and effective women's groups in both the government-controlled and rebel-controlled areas of the country.

*Children.*—Government spending on children's programs nearly is nonexistent. Primary school education is not compulsory, free, or universal. Primary school enrollment rates dropped to less than 70 percent during the year. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses, meaning that children may not be able to attend school. Most schools function only in areas where parents have formed cooperatives. The Government's economic policies have resulted in massive unemployment, inflation, and a devaluation of the currency, putting basic education out of reach of many families. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending



school (see Section 6.d.). In both the government- and rebel-controlled areas, poverty brought on by the war has led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school.

The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during the year that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Sections 6.c. and 6.d.).

The number of orphans and street children increased during the year. Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police. There were credible reports that the FAC sexually exploited homeless girls.

There are no documented cases in which security agents or others targeted children for specific abuse, although children suffer from the same conditions of generalized social disorder and widespread disregard for human rights that affect society as a whole. These conditions sometimes render parents unable to meet their children's basic human needs.

Some children as young as 10 years of age have been allowed to enlist as soldiers in the FAC. The Government has not taken comprehensive measures to remove child soldiers from its armed forces, although it has stated its intention of demobilizing child soldiers once the war is over. While many child soldiers continued to serve in the armed forces, during the year the Government recruited fewer children into the armed forces; however, the Government continued to encourage the enlistment of children in paramilitary organizations. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 1.f.). There were credible reports that the FAC forcibly conscripted homeless boys to fight. Unlike in the previous year, there were no reports that unemployed youth in Katanga Province were recruited for military service.

Rebel forces reportedly continued to use child soldiers already in service, but greatly reduced recruitment of them during the year (see Sections 1.f. and 6.c.). Credible reports have indicated that rebel forces have conscripted forcibly boys as young as age 10, and there were reports that this practice continued during the year.

Rwandan and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not widespread, but it is practiced on young girls among isolated groups in the north. The Government has not addressed the problem.

*People with Disabilities.*—The law does not mandate accessibility to buildings or government services for the disabled. There are some special schools, many with missionary staff, which use private funds and limited public support to provide education and vocational training to blind and physically disabled students.

Physically disabled individuals are subject to discrimination in employment, education, and the provision of other government services. Disabled persons are not required to conform to all civil laws, such as paying taxes.

*Indigenous People.*—There is a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original human inhabitants, and societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process.

*Religious Minorities.*—Approximately 50 percent of the population are Roman Catholic, 20 percent are Protestant, and 10 percent are Muslim. About 20 percent practice traditional indigenous religions exclusively. Many persons practice elements of both traditional indigenous religions and Christianity or Islam. Unlike in the previous year, there were no known reports of attacks against Muslims nor reports that accusations of witchcraft caused tensions or contributed to violence between Christians and Muslims during the year.

*National/Racial/Ethnic Minorities.*—The last official census was taken in 1984. It is estimated that the population is now 45 to 50 million, and comprises more than 200 separate ethnic groups. These groups generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group; the four largest ethnic groups are the Mongo, Luba, Kongo, and Angbetu-Azande, who together make up about 45 percent of the population. Four indigenous languages, Kiswahili,

Lingala, Kikongo, and Tshiluba have official status. French is the language of government, commerce, and education.

Societal discrimination on the basis of ethnicity is practiced widely by members of virtually all ethnic groups and is evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides is common in large cities.

Persons from President Kabila's home province, Katanga, and from his Mulaba tribe, filled a disproportionate number of positions in his Government and in the senior ranks of the civil service, and dominated the FAC officer corps. Katangans in the FAC were substantially more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government, which previously included persons from all regions and major ethnic groups.

Birth on national territory reportedly does not necessarily confer citizenship. The Government continued to refuse to recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis. According to some accounts, resentment of their noncitizen status contributed to the participation of many Tutsi residents of the country, first in Kabila's rebellion against Mobutu and then in the RCD rebellion against Kabila.

Since the start of the war in August 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime (see Section 1.a.). During the year, there were no reports of extrajudicial killings of noncombatant Tutsis in government-controlled areas. There were increasing reports of the participation of the Government of Rwanda in arming Hutus and sending them into the Congo in order to terrorize the population. These groups reportedly posed as Interahamwe fighters in order to justify Rwanda's military occupation of areas of the Kivu Provinces. Unlike in the previous year, government officials and state media did not publish anti-Tutsi propaganda. The Government materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed both unarmed and armed Tutsis in areas militarily dominated by antigovernment forces. However, the Government no longer incited mob violence against unarmed Tutsis, and there were no reports of mass extrajudicial killings of Tutsis by the security forces.

However, human rights groups increasingly complained that the killing of and other human rights violations against Congolese civilians by persons perceived to be of Tutsi ethnicity and their supporters presented an increasing problem.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Members of the Presidential Guard then also arrested Biteo's cousin Mirimo Mulongo and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and were believed still to be in detention at year's end (see Section 1.d.).

The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country; however, unlike in previous years, there were no reports that Congolese Hutu militias continued to recruit from populations of Hutu refugees from Rwanda and Burundi in neighboring countries, including the Republic of the Congo and Zambia.

Unlike in previous years, government officials and state media did not represent the war as part of a larger supranational conflict between Bantus and Nilotics, nor did Nilotic-Bantu rhetoric appear in private publications and broadcasts in the country.

State-owned television and radio and progovernment private newspapers repeatedly published racist statements directed not only against Tutsis and Nilotics, but also against Europeans, in connection with propaganda alleging that countries in Europe, and populations largely of European ethnicity, supported antigovernment forces in the war.

Following the sudden death on October 3 of Emmanuel Kataliko, the Archbishop of Bukavu, who had spent 8 months in rebelimposed internal exile, the Kabila Government incited the populace by claiming that Tutsis killed Kataliko with poison. These statements, which quickly were circulated and published by independent newspapers, possibly contributed to demonstrations that broke out in Bukavu, which resulted in a child being killed by rebel gunfire.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting between members of the Lendu and Hema tribes reportedly killed thousands of persons and displaced tens of thousands of persons. This fighting reportedly arose from a dispute over land use (see

Section 1.a.). Reportedly Ugandan troops manipulated the fighting by charging the tribes fees in order to provide protection.

*Section 6. Worker Rights*

*a. The Right of Association.*—Legislation in effect from the Mobutu period permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers (UNTC) remains the largest labor federation. There also are almost 100 other independent unions, which now are registered with the Labor Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area; however, they also have ties to larger unions, such as the UNTC, which have more diverse membership. Two other large federations also are active.

The International Confederation of Free Trade Unions (ICFTU) alleged in its Annual Survey of Violations of Trade Union Rights 2000 that the Labor Code does not protect adequately workers against antiunion discrimination and interference by employers into union affairs. The ICFTU also claimed that enforcement of the Labor Code “remains virtually nonexistent.”

Government security forces arrested and detained labor leaders and activists. On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for “endangering state security.” The four previously had spent a year in prison for protesting the government policy of moving government employees from one service to another.

On November 30, intelligence officers arrested Steve Mbikay, secretary general of the Solidarity Union, as he left a union meeting with ONARTRA, the Government’s parastatal transportation company (see Section 1.d.). He continued to be held without charge at year’s end.

On July 7, provincial police in Goma arrested union organizers who sent a letter to the management of OFIDA (the customs office) on behalf of workers. Police took Fanchon Sakukombo, Felix Zirahira, Kamitanyi Nyarukemba, Jean Sengusu, Bababebole Kadite, and Alexis Balibonera to the DGS detention center for questioning; they were released on July 13.

Unlike in previous years, police did not arrest any communications workers who attempted to form unions for the purpose of collective bargaining.

The law recognizes the right to strike. However, legal strikes rarely occur since the law requires prior resort to lengthy mandatory arbitration and appeal procedures. Labor unions have not been able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition rarely is enforced.

On March 23, civil servants at the offices of Tax Collection, Duties and Customs, and Government Receipts went on strike to protest against low salaries. The strike was short-lived because the Government laid off some employees and reassigned others to the “Portfolio Ministry.” The layoffs were conducted along tribal lines and intimidated employees who remained in the offices.

Following a series of strikes in 1999 to protest low salaries and unpaid wages, the Government claimed in October 1999 that it would meet the demands of the strikers. It did so in June by implementing progressively a comprehensive, higher civil service salary scale; however, civil servants still were paid only sporadically during the year.

On January 31 in Bukavu, and on February 7 in Goma, citywide strikes (“villes mortes”) were held to protest the occupation of the two cities by antigovernment forces (see Section 2.b.). The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

Unions may affiliate with international bodies. The UNTC participates in the organization of African Trade Union Unity, and the Central Union of Congo is affiliated with the World Confederation of Labor.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to bargain collectively, and an agreement between the UNTC and the employers’ association formerly provided for wages and prices to be negotiated jointly each year under minimal government supervision. This system broke down in 1991 as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still exists in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees.

The collapse of the formal economy also has resulted in a decline in the influence of unions, a tendency to ignore existing labor regulations, and a buyer’s market for labor. The Labor Code prohibits antiunion discrimination, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employ-

ers to reinstate workers fired for union activities. In the public sector, the Government sets wages by decree; public sector unions act only in an informal advisory capacity.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, the Government forcibly conscripts adults (see Section 1.f.). There also were reports that some Mai Mai guerrillas fighting on the side of the Government in the war demanded forced labor from persons in rural areas.

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripted children (see Sections 1.g. and 5). In addition there also were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.d.).

Antigovernment forces also forcibly conscripted adults and children (see Sections 1.f. and 5).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day; those between the ages of 16 and 18 may work up to 8 hours. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which are the dominant portions of the economy. Such employment often is the only way a child or family can obtain money for food. Many children have been forced by their parents to leave school and beg in the streets or work in order to provide income to their families. Neither the Ministry of Labor, which is responsible for enforcement, nor the labor unions make an effort to enforce child labor laws. Larger enterprises generally do not exploit child labor.

The availability of education for children is extremely limited in practice (see Section 5).

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripts children (see Sections 1.g., 5, and 6.c.). In addition there were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.c.).

The Government did not ratify ILO Convention 182 on the worst forms of child labor by year's end, nor does the law provide any provisions against such labor.

*e. Acceptable Conditions of Work.*—Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, last adjusted by government decree in 1990, subsequently was rendered irrelevant by rapid inflation. The average wage does not provide a decent standard of living for a worker and family. Most workers rely on the extended family and informal economic activity to survive. The maximum legal workweek (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days.

The Labor Code specifies health and safety standards. The Ministry of Labor officially is charged with enforcing these standards, but it does not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without penalty.

*f. Trafficking in Persons*

There are no specific laws that prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## REPUBLIC OF THE CONGO

The Republic of the Congo<sup>1</sup> continued to be ruled by a transitional government that came to power by force of arms in October 1997. President Denis Sassou-Nguesso wields executive power without meaningful legislative or judicial constraints. Forces supporting Sassou-Nguesso, a northerner, defeated those of the democratically elected former president Pascal Lissouba, a southerner, with the help of Angolan troops in 1997. Sassou-Nguesso's principal base of political support lay in the sparsely populated northern region of the country. Renewed civil conflict broke out in August 1998 and continued throughout the south until the end of 1999 between forces supporting the Government, which included Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and Democratic Republic of the

<sup>1</sup> The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently has operated out of the American Embassy in the Democratic Republic of the Congo. Fighting in both countries impeded efforts to collect information.

Congo (DRC) nationality, and southern rebel groups, which included Cocoye militia-men operating in the Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militia-men operating principally in southern Pool region. Fighting and heavy looting led to the destruction of many southern towns, including parts of Brazzaville, the capital, and displaced an estimated 800,000 civilians, approximately onethird of the country's total population. In 1999 the Government reestablished effective control over most of the south through military offensives, offers of amnesty, negotiations, and efforts to broaden the Government's political base. In November and December 1999, the Government signed cease-fire and reconciliation accords with rebel groups, which called for disarmament, demobilization, the reintegration of former militia-men, and a "national dialog without exclusion" to resolve political disputes underlying the military conflict. There were no cease-fire violations during the year. Omar Bongo, President of Gabon, serves as the facilitator of the cease-fire accords. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced the country's 1992 constitution with a new Fundamental Act, which established a strong and highly centralized presidential system of government. The President appoints all members of the Government, all senior military officers and all subnational government officials, serves as commander in chief of the armed forces, and is mandated specifically to direct the general policy of the Government and to exercise regulatory powers.

Legislative authority is vested in the 75-member National Transition Council (NTC), which was elected at the National Reconciliation Forum convoked by the Government in January 1998. Although the forum included some representatives of opposition political parties and nongovernmental actors, the event was orchestrated by the executive and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. During the forum, the Government announced its intention to create a new constitution and hold elections within a flexible 3-year timetable. A constitutional committee named by the President in late 1998 presented him with a draft constitution in August 1999. In November the Cabinet formally endorsed the draft. Elections are scheduled to take place after the implementation of a draft constitution that outlines the structure and institutions of the state. The judiciary is overburdened and subject to political interference and corruption.

The security forces include the police, the gendarmerie, and the armed forces; however, the functional distinction between these forces is not clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; in practice joint operations are common. Many new recruits who have joined the security forces since the 1997 civil war are former members of nongovernmental militias. Since the end of the 1998-1999 conflict, the Government has established increasing control over pro-government "Cobra" militia-men who previously had been effectively autonomous. Units of the Angolan armed forces remain in the country in support of the Government for security. Rwandan Hutu militia-men, formerly in refugee camps in the country, as well as former soldiers from Zaire (DRC), remain in the country but no longer participate in government military operations. A major challenge for the country is re-integration of former militia-men from all sides in the 1998-1999 conflict who have stopped fighting under the terms of the peace accords. In some cases, joint military units comprised of army troops and former rebels provide security in former rebel-controlled areas. Members of the security forces committed numerous, serious human rights abuses during the year.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998-1999 conflict, particularly in Brazzaville, where more than onethird of the country's population of roughly 2.8 million normally resides. However, this violence did not affect significantly the oil industry, which operates offshore. Oil exports, timber exports, and external assistance remained the country's main sources of foreign exchange. High world oil prices throughout the year increased government revenues and enabled continued payment of salaries to public sector employees, including members of the security forces. Although per capita gross domestic product was estimated at about \$850 per year, this figure includes substantial oil exports, the benefits of which are not widely distributed throughout the population. Lack of transparency in government and high levels of defense and security spending continued to impede rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in several areas during the year, there continued to be numerous serious problems. Citizens do not have the right to change their government peacefully. Security forces were responsible for extrajudicial killings, including summary executions, rapes, beatings, and physical abuse of detainees and the civilian popu-

lation, arbitrary arrest and detention, and looting. The Government often deployed undisciplined troops, including some former Cobras. These government forces also were responsible for summary executions, as well as rape, looting, and other violent acts. Prison conditions remained life threatening. The judiciary was overburdened, underfinanced, subject to corruption and political influence, and unable to ensure fair and expeditious trials. The Government infringed on citizens' privacy rights. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. There were some limits on freedom of movement, although security force restrictions on freedom of movement within the country decreased. The Government permitted opposition political parties and nongovernmental organizations (NGO's), including human rights organizations, to function, and there was a relatively open dialog on public policy issues. The Government sent mixed signals on political participation by opposition figures. While many former cabinet ministers and other officials of the Lissouba government have returned to Brazzaville and resumed political activities, several were tried and convicted in absentia of serious war crimes during the year. Violence and societal discrimination against women were serious problems; however, incidents of rape decreased during the year following the end of the 1998-1999 conflict. Societal discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor, including forced child labor, continued. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

Members of Angolan troops allied with the government reportedly also committed acts of summary execution, rape, and looting.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces continued to commit extrajudicial killings; however, the number of such killings decreased during the year following the end of the 1998-1999 civil conflict. In August soldiers killed two family members of a policeman in revenge for the killing of a fellow soldier by another policeman. Reportedly there was no investigation nor action taken in this case by year's end. In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.c. and 1.f.). For example, in September in Mouyondzi (Bouenza Region), the military command executed three soldiers recruited from former militia forces for attempted looting and extortion. Unlike in the previous year, there were no reported cases of the summary execution of suspected rebels among displaced civilians.

There were a number of armed confrontations between members of government military units and affiliated militias during the year, which resulted in civilian deaths. On July 13, a personal dispute between a member of the Presidential Guard and a Police Officer escalated into an armed confrontation between their units, which lasted several hours in Brazzaville's Poto-Poto neighborhood. Members of the Presidential Guard involved in the incident reportedly were punished for undisciplined behavior; however, the forms of punishment were not known. In September in Brazzaville's Kinsoundi neighborhood, fighting between security forces, Willy Matsanga, a security advisor at the Ministry of Interior and former militia commander, and some of Matsanga's supporters after a dispute over access to the airport, resulted in the death of one civilian by a stray bullet.

The Government often deployed undisciplined troops, including some recruited from President Sassou-Nguesso's former Cobra militia. These government forces were responsible for summary executions as well as rape, looting, and other violent acts. In October 1999, the Minister of Defense announced that military tribunals would be established to bring to justice soldiers responsible for abuses, and the Government introduced legislation to that end. However, by year's end, no such law had been adopted and these tribunals were not yet in place.

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Section 1.c.). Senior government officials acknowledged the incident publicly, and the duty officer was brought to trial. The status of the case was not known at year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Section 1.c.).

There continued to be deaths due to mob violence, as civilians took vigilante action against presumed criminals, although police sometimes intervened to stop such action.

*b. Disappearance.*—There were no reports of disappearance during the year.

The Justice Ministry's Human Rights Directorate continued to investigate allegations that up to 350 young men, who took refuge in the DRC in 1999, were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. While some sources reported that security forces had shot and killed these men, no firm evidence was available, and a poor counting of the returnees made it difficult to verify what had happened to them after arrival in Brazzaville. The results of the Government's investigation were not released by year's end.

Given the incomplete figures on those killed or displaced in the 1997 civil war and the 1998-1999 civil conflict, and the massive displacement of the civilian population as a result of the fighting, many disappearances may have occurred that have not been reported.

*c. Torture and Other Cruel and Inhuman Treatment or Punishment.*—The Fundamental Act prohibits torture; however, in practice, security forces sometimes used beatings to extract confessions or merely to punish detainees, and sometimes raped women detainees. During the second half of the year, a police newsletter published several reports of such incidents and described the administrative discipline, criminal investigations, and judicial proceedings pursued against those responsible. Members of the security forces looted citizens' homes (see Sections 1.a. and 1.f.), and security forces extorted money from travelers at checkpoints, although less frequently than in the previous year (see Section 2.d.). There were no reports that security force officers beat and released civilian looters instead of arresting them.

Undisciplined government forces were responsible for summary executions as well as rape, looting, and other violent acts. While there were some improvements in government forces' discipline, serious abuses continued.

In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.a. and 1.f.). Unlike in the previous year, there were no reports that security forces harassed internally displaced persons (IDP's); all IDP's returned to their homes during the year (see Section 2.d.).

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

In May a court convicted and sentenced to death in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year of activity by rebel militia groups, including killings, rape, torture, or looting.

Prison conditions remained life threatening due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons (Maisons d'Arret) functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice continued to repair some prisons during the year. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Sections 1.a. and 1.d.). Police had detained approximately 40 detainees in a cell designed to hold 10. The police captain responsible was suspended from his post and was being investigated at year's end. The Minister of Interior stated publicly that those responsible would be prosecuted; however, no action was taken by year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.d.).

Access to prisons and detention centers by domestic and international human rights groups improved during the year. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), and a Catholic church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) conducted regular visits to prisons and detention centers throughout the country. For example, between September and December, ICRC visited five police detention centers and one gendarmerie detention center in Brazzaville and Doloise.

*d. Arbitrary Arrest, Detention, or Exile.*—The Fundamental Act prohibits arbitrary arrest and detention; however, in practice security forces frequently commit such acts. The Code of Penal Procedure, which remains in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violates these legal provisions. However, detainees usually were informed of the charges levied against them, and lawyers and family members usually had free access to them.

There were no known political detainees at year's end. In January the Government released 17 political detainees who had been held without charge since 1998 in Pointe Noire and then in Impfondo. The detainees primarily were minor officials of the former Lissouba Government and affiliated parties. According to a report by the International Federation of Leagues of Human Rights, one of the detainees, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.c.).

The Fundamental Act does not address forced exile, and the Government does not practice it formally; however, some officials of the predecessor government, including former president Lissouba and former Prime Minister Kolelas remained outside the country in self-imposed exile (see Sections 1.e. and 3). Many other officials of the former government, including cabinet members, have returned to the country and resumed political activity.

*e. Denial of Fair Public Trial.*—The Fundamental Act mandates the President to ensure the independence of the judiciary through the Higher Council of Magistrates; however, in practice the judiciary continued to be overburdened, underfinanced, and subject to corruption and political influence. Lack of resources became more acute as a result of the destruction and looting sustained by judicial facilities during the 1997 and 1998-1999 conflicts. In January Minister of Justice Jean Martin Mbemba acknowledged many of these shortcomings in a speech; and the Ministry of Justice continued rehabilitation of courthouses during the year, including the local court serving the southwest Brazzaville neighborhoods of Bacongo and Makelekele.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the extended family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system. In October 1999, the Government announced plans to establish military tribunals to try soldiers for abuses committed during recent periods of conflict, and the Government introduced legislation to establish these tribunals; however, the tribunals were not functioning by year's end.

In December 1999, President Sassou-Nguesso signed a law and implementing regulations to give amnesty for acts committed during the conduct of the civil conflicts in 1993-1994, 1997, and 1998-1999; however, this amnesty does not cover the political "authors" of these conflicts.

In May former Prime Minister Bernard Kolelas was tried, convicted, and sentenced to death in absentia on charges of having maintained private prisons in which opponents were tortured during the 1997 war. The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial. The Government asserted that this was a purely judicial matter; however, observers believe there were political overtones evident in the broadcast of the trial on state-run television. In 1999 a court convicted and sentenced in absentia to 20 years' imprisonment former President Lissouba and three other former government officials on charges of having conspired to kill President Sassou-Nguesso in June 1999 (see Section 3).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Fundamental Act provides for the inviolability of the home, and for privacy of letters, correspondence, telecommunications, and other forms of communication, except as may be provided by law; however, in practice government security forces sometimes illegally entered, searched, and looted private homes; however, the widespread systematic looting that occurred during the 1998-1999 conflict ceased.

Citizens generally believed that the Government widely monitored private mail and telephone communications; however, unlike in the previous year, there were no



reports that security forces arrested persons due to the content of their private communication.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Fundamental Act provides for freedom of speech and of the press, and in practice the Government generally respected these rights; however, it continued to monopolize broadcast media. The 1996 Press Law, which sharply increased criminal penalties for libel, remained in effect.

There is no state-owned newspaper. Approximately 10 private newspapers appear weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles unflattering to the authorities. Newspapers continued on occasion to publish open letters written by opponents of the Government who are in detention or living abroad. A small elite in Brazzaville and Pointe Noire has access to print media, which do not circulate widely beyond the two cities.

Most citizens obtained their news from the broadcast media, which remained effectively a government monopoly.

Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; Government-owned Television Congo broadcast for fewer hours. Radio France Internationale was rebroadcast on a local FM station, and radio and television broadcasts from neighboring Kinshasa, DRC, could be received in Brazzaville. The private independent station, Radio Liberte, established by President Sassou-Nguesso's forces during the 1997 civil war, continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year.

The news coverage and the editorial lines of the state-owned media reflected government priorities and views. Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through the Government's Ministry of Post and Telecommunications during the year. Additional connections were available through providers based in the DRC.

There were no known restrictions on academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Fundamental Act provides for freedom of assembly, and the Government generally respected this right in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no known instances in which the authorities withheld permission to meet.

The Fundamental Act provides for freedom of association, and the Government generally respected this right in practice. The act permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate, but under the leadership of political figures willing to cooperate with the Government.

*c. Freedom of Religion.*—The Fundamental Act provides for freedom of religion and the Government respected this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Fundamental Act provides for freedom of movement, and the Government's respect of this right improved during the year although there still were some limitations. Military checkpoints that sometimes interfered with the movement of civilians continued to operate during the year, and soldiers frequently extorted money from commercial traders to assure passage through these checkpoints; however, the use of checkpoints decreased during the year. Unlike in the previous year, there were no reports that government forces stopped vehicles carrying displaced persons.

Former Cocoye rebels near the town of Makabana, in Niari region, operated informal checkpoints to extort money from travelers during the first half of the year, but this practice had ended by mid-year. Former Nsiloulou rebels near the town of Vinza in southern Pool continued to maintain checkpoints at year's end.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year that rebel "Ninja" and "Nsiloulou" militiamen prevented the return of displaced persons to Brazzaville; these rebel groups were dismantled. There also were no reports of the disruption of train service between Brazzaville and Pointe Noire.

According to U.N. estimates, the 1998-1999 conflict displaced approximately 800,000 civilians; all IDP's returned to their homes during the year.

Tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. A total of approximately 45,000 persons fled to the Bas-Congo Province of the DRC in late 1998 and early 1999; however, all but about 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon in 1999 and, according to U.N. figures, 12,000 persons remained there at year's end. During the year, the U.N. High Commissioner for Refugees (UNHCR) began discussions with the Government to facilitate the return of these persons.

The Fundamental Act contains provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries. The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in eastern Zaire in 1996 and arrived in the country in May and June 1997. The Government, in collaboration with the office of UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remain loosely grouped in an encampment north of Brazzaville, and others have integrated informally into Congolese society. In March all UNHCR support to Rwandan refugees ended. Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992. Humanitarian NGO's reported that there were 20,800 Angolan refugees in Pointe Noire at year's end. Of these 5,900 continue to receive UNHCR assistance in camps; the remaining 14,900 have integrated into the local communities and receive little if any assistance.

More than 100,000 refugees and several hundred combatants, including DRC troops, fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province during the year. Some of the combatants were repatriated to Kinshasa by year's end. Lack of roads and airstrips, and insecurity along the Congo and Ubangui Rivers, complicated humanitarian access to these refugees. UNHCR and other humanitarian agencies only had access to approximately 70,000 of the DRC refugees in the area by year's end.

Hutu militiamen from refugee camps who had been permitted to join in military operations with government forces in 1999 did not participate in such operations following the end of the 1998-1999 conflict.

There were no reports of the forced return of persons to countries where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the right to change their government peacefully. The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the National Reconciliation Forum that it convened in January 1998, the Government announced its intention to enact a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft Constitution in August 1999. According to a schedule outlined by the President in August, the draft constitution is to be the subject of nationwide consultations organized by the Government, then submitted to the NTC in 2001, and finally ratified by a popular referendum. During the summer, the document was released publicly, and presented to the Cabinet for review in September. The Cabinet considered the draft constitution during three meetings in September and October and on October 28, established an ad hoc committee to prepare a final draft for Cabinet. On November 15, the Cabinet approved an amended version of the constitution draft, which will then be submitted to, and is expected to be adopted by, the NTC. Following approval by the NTC, the draft must then be ratified by popular referendum. In August President Sassou-Nguesso announced that Government-led consultations on the draft constitution would constitute the "national dialog without exclusion" called for in the December 1999 Peace Accords; however, many opposition groups have criticized this claim. Opposition leaders also have criticized key components of the draft constitution.

The executive branch dominates the government. Under the Fundamental Act, the President is mandated to direct the general policy of the Government and to exercise regulatory powers. He appoints all significant military, executive, and judicial officials. The President convenes the interim national legislature, the NTC. The NTC was elected at the 1998 National Reconciliation Forum, which included some representatives of opposition political parties and nongovernmental actors; however, the event was orchestrated by the executive branch and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. The NTC debates issues freely and summons cabinet ministers to answer

questions about their portfolios; however, it was dominated by supporters of the President and did not serve as a meaningful check on executive authority.

Major political parties included the ruling Congolese Workers' Party, the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and many others. In some cases, party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it non-violently remained in the country (see Section 1.d.). In the absence of electoral politics or a constitutional framework for such politics, party leaders held meetings and party congresses, commented to the media on the political environment, and raised questions in the NTC.

The State is highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lack an independent revenue base and do not represent a significant check on central authority.

In 1998 the NTC passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the mere threat of charges under this law may dissuade political figures who are in exile from returning to the country. In December 1999, a court convicted in absentia former president Lissouba of plotting to kill President Sassou-Nguesso, and in May a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country during the year and resumed political activities without incident.

There are no legal restrictions on political participation by women or minority populations; however, women were underrepresented in government and politics. Women held 2 of 7 leadership positions in the NTC, and 2 of 25 cabinet ministers were female. Pygmies continued to be effectively excluded from the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, there was no consistent pattern of clear overrepresentation of any ethnic or regional group.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Several domestic human rights organizations operated with minimal government restriction and investigated and published their findings on human rights problems. While some human rights leaders maintained that they sometimes were subjected to subtle forms of intimidation, they continued to publish reports that were highly critical of the Government with no apparent reprisal.

The ICRC maintained an office in Brazzaville and, among other activities, continued its program of human rights training for units of the armed forces.

Teams from the International Federation of Leagues of Human Rights (FIDH) and from Human Rights Watch Africa visited the country to evaluate conditions during the year. The Government permitted these teams to conduct their missions, and FIDH published a report of its visit.

Insecurity in the north along the Ubangui River, Kindamba region in the Pool, parts of Bouenza, and in the upper Niari river system, prevented U.N. and other humanitarian agencies from assessing conditions in these areas during much of the year; however, access to these areas had improved by year's end, and humanitarian agencies visited some of these areas. Full access to the rest of the country was made possible by security improvements during the year.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Fundamental Act specifically prohibits such discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized civil violence during the year.

*Women.*—Domestic violence against women, including rape and beatings, is widespread but reported rarely. Domestic violence is handled within the extended family and only in the most extreme incidents is it brought to the police. There are no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998-1999 civil conflict raised public awareness of violence against women. NGO's, such as the

International Rescue Committee, continued to draw attention to the issue and provided counseling and assistance to victims.

The Fundamental Act provides for the equality of all citizens, prohibits discrimination based on sex, and stipulates that women have the right to equal pay for equal work. In practice women are underrepresented in the formal sector; most work in the informal sector and thus have little or no access to employment benefits. Women in rural areas especially are disadvantaged in terms of education and wage employment and are confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often loses all rights of inheritance upon the death of her spouse. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive brideprices to the woman's family. As a result, the right to divorce is circumscribed for some women because they lack the financial means to reimburse the brideprice to the husband and his family. This problem is more prevalent in rural areas than in urban centers.

There are a number of nongovernmental organizations that work on women's problems. However, their effectiveness varies widely. The Ministry of Public Service, Administrative Reform, and the Promotion of Women is responsible for coordinating government initiatives regarding the status of women.

*Children.*—The Fundamental Act affords children equal protection under the law. Education is compulsory and free until the age of 16. Girls and boys attend primary school in equal numbers; however, school attendance by girls declines precipitously at the high school level and, especially, at the university level. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women.

Child labor is illegal; however, in practice this law generally is not enforced, particularly in rural areas (see Section 6.d.). Children work with their families on farms or in small businesses in the informal sector. There are indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997.

There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced indigenously, but may occur in some of the immigrant communities from countries such as Mauritania and Mali, where it is more common.

There were some reports that child soldiers were used during the 1997 civil war and the 1998-1999 conflict (see Section 6.d.).

*People with Disabilities.*—The Fundamental Act prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced, because the ministry charged with implementation faced severe financial constraints. There was no overt discrimination against the disabled in employment and education. There were no laws mandating access for the disabled.

*Indigenous People.*—The Fundamental Act prohibits discrimination based on ethnicity. In practice the indigenous Pygmy people, who number in the tens of thousands and live primarily in the northern forest regions, do not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country. They usually are considered social inferiors and have little political voice. Many have never heard of the concept of voting and have minimal ability to affect government decisions affecting their interests. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to a Bantu continued during the year. Many Pygmies, possibly including children, have been exploited by Bantus; however, little information is available regarding the extent of the problem during the year.

*National/Racial/Ethnic Minorities.*—The Fundamental Act prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice, ethnic divisions persist. Unlike in the previous year, there were no reports that the Government or its security forces discriminated against members of southern ethnic groups, or used violence against them.

Four major ethnic groups make up about 95 percent of the country's population; these groups speak distinct primary languages and are concentrated regionally outside of urban areas. The largest ethnic group is the Kongo, who constitute the main ethnic group in the southern part of the country and about half the country's population. Within the Kongo group are various subgroups, including the Lari and the

Vili. Other major ethnic groups include the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population.

Societal ethnic discrimination is practiced widely among virtually all ethnic groups, and is evident in private sector hiring and buying patterns and de facto segregation of urban neighborhoods. Ethnic overtones were apparent in the 1997 civil war and the 1998-99 conflict. These conflicts sometimes were oversimplified as pitting northerners, who support President Sassou-Nguesso, against southerners, who support former president Lissouba and former prime minister Kolelas. There does tend to be heavy representation from each leader's ethnic group in his immediate entourage: Mbochi for Sassou-Nguesso, Lari for Kolelas, and the groups of the Niari, Bouenza, and Lekoumou regions for Lissouba; however, the correspondence between ethnic-regional and political cleavages is approximate, and supporters of the Government include persons from a broad range of ethnic and regional backgrounds.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Fundamental Act provides workers with the right to form unions, and the Government respected this right in practice. Any worker is free to join a union of his choice. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal (wage) sector are union members, and unions have made efforts to organize informal sectors such as agriculture and retail trade.

The Fundamental Act also affirms workers' right to strike, subject to conditions established by Law. Unions are free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of nonbinding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred. For example, in October university workers protested salary arrears. During the year, the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed at year's end. Collective bargaining is not widespread due to the social disruption and economic hardship which occurred during much of the 1990's.

Unions are free to affiliate with international trade unions and they maintain cooperative accords with foreign trade union organizations.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code allows for collective bargaining, and this right generally is respected and practiced freely. The Government sets industry-specific minimum wage scales, but unions usually are able to negotiate higher wages for their members. Employers are prohibited from discriminating against employees who join a union. There were no reported firings for union activities.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children; however, such practices occur. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to Bantus continued during the year (see Section 5). Many Pygmies, possibly including children, have been exploited by Bantus; however, little information was available regarding the extent of the problem during the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Ministry of Labor, which is responsible for enforcing child labor laws, concentrates its efforts only on the formal wage sector. Child labor is illegal, the minimum age for employment is 14, and education is compulsory until the age of 16 (see Section 5); however, child labor persists among children who continue to work for their families in rural areas and in the informal sector in cities without government supervision or monitoring. There were some reports that child soldiers were used during the 1997 civil war and 1998-1999 conflict (see Section 5); however, the numbers appear to be small, and the Government plans to demobilize child soldiers as required in the cease-fire agreements. It was not known whether any child soldiers were demobilized by year's end. There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 5).

The law prohibits forced labor by children; however, there have been allegations of exploitation of Pygmy children (see Sections 5 and 6.c.).

*e. Acceptable Conditions of Work.*—The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage is \$64 (50,000 CFA francs) per month. It is not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families oblige many workers to seek opportunities beyond their principal employment.

Although health and safety regulations call for twice-yearly visits by inspectors from the Ministry of Labor, in practice such visits occur less regularly. While unions generally are vigilant in calling attention to dangerous working conditions, the observance of safety standards is often lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, within, or through the country. An ILO study conducted in March and April in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

## COTE D'IVOIRE

Prior to October presidential elections, Cote d'Ivoire had a military government. Brigadier General Robert Guei took power on December 24, 1999, following a bloodless coup d'etat, which forced the departure of then President Henri Konan Bedie. General Guei, who was Chief of Staff under Presidents Felix Houphouet-Boigny and Bedie, declared himself the new President, suspended the Constitution, dissolved the National Assembly, and formed the National Committee for Public Salvation (CNSP)—which consisted of himself, seven other military officers, one naval enlisted man, and one soldier who participated in the coup. Guei initially claimed no interest in retaining power and pledged to rewrite the Constitution, clean up government corruption, and hold fair and transparent elections during the year. In January Guei formed a transitional government made up of CNSP members as well as representatives of five political parties and civil society. In May Guei reshuffled the cabinet, effectively ridding the Government of most members of the Republican Rally (RDR), the party of rival presidential candidate and former Prime Minister Alassane Ouattara. On September 22, Guei again changed the cabinet, eliminating three additional members who were considered sympathetic to the RDR. The Constitutional and Electoral Consultative Commission (CCCE), which was created by the CNSP and included members of all major political parties, nongovernmental organizations (NGO's), and prominent members of civil society, drafted a new constitution; however, Guei made several substantive changes to the text, including inserting controversial language regarding the eligibility requirements to be president, before submitting the draft constitution to a referendum. On July 23 and 24, the citizens overwhelmingly approved the new Constitution in a referendum, and the Constitution was implemented on August 4. On October 26, after a flawed October 22 presidential election, which was marred by significant violence and irregularities, including a suspension of the vote count for several days, the Supreme Court declared Laurent Gbagbo the victor with 53 percent of the vote. Except for the RDR, which decided not to accept ministerial posts, major political parties were represented in the new Government, which was made up of 24 ministers. An election for the National Assembly was held on December 10 and was marred by violence, irregularities, and a very low participation rate. The Ivoirian Popular Front (FPI) won 96 of the 225 seats; the Democratic Party of Cote d'Ivoire (PDCI), the former ruling party, won 77; independent candidates won 17; and 4 other parties won a combined 7 seats. Twenty-eight seats remained unfilled at year's end. To protest the invalidation of the candidacy of party president Alassane Ouattara, the RDR boycotted and disrupted the legislative elections. The judiciary is subject to executive branch and other outside influence.

Security forces include the army, navy, and air force, all under the Ministry of Defense; the Republican Guard, a well-funded presidential security force; the national police (Surete Nationale); and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement, maintenance of public order, and internal security, including suppression of violent crime. The National Security Council, which was formed in 1996 and coordinated internal and external security policy, was dissolved by the Minister of State for Security in January following the

December 1999 coup. Also in January, General Guei created a special military unit, the P.C. Crise, to assist in reestablishing order, to control crime, and to put an end to abuses committed by the military. In May General Guei officially disbanded the P.C. Crise and other quasi-military groups, including the Kamajors, Cosa Nostra, Cobra, and Red Brigade, that had formed within the military following the coup, and which had come to be known as the "parallel forces." However, some members of these groups continued to act as vigilante forces, and on September 20, the Government announced the formation of a new "P.C. Crise Marine." The civilian Directorate of General Intelligence (DRG) is responsible for countering internal threats. A security staff (L'Etat Major de la Securite) collects and distributes information about crime and coordinates the activities of the security forces in times of crisis. The Special Anticrime Police Brigade (SAVAC) and the Anti-Riot Brigade (BAE) continued their operations. Upon taking office, President Gbagbo combined the Ministries of Interior and Security; however, he decided against altering the structure of the security forces. While the Gbagbo and Guei Governments generally maintained effective control of the security forces, there were instances in which security forces acted independently of government authority, most notably during military mutinies in March and July, and surrounding the presidential and parliamentary elections in October and December respectively. In addition there are major divisions within the military based on ethnic, religious, and political loyalties. Security forces, particularly the "parallel forces," committed numerous human rights abuses.

The economy is largely market-based and heavily dependent on the commercial agricultural sector. Most of the rural population remains dependent on smallholder cash crop production. Principal exports are cocoa, coffee, and wood. In 1999 approximately 56 percent of the adult population was literate, but the rate among women (44 percent) is only two-thirds of the rate among men (66 percent). Recorded gross national product per capita in 1999 was about \$700. After several years of 6 to 7 percent annual economic growth following the 1994 currency devaluation, growth slowed to about 3 percent in 1999 and was an estimated negative 2 to 3 percent during the year. Income remains unevenly distributed, and government expenditures for basic education and health services were far below planned levels. Widespread corruption is rooted in a lack of transparent and accountable governance. The political manipulations of the Guei Government, which resulted in investor and consumer uncertainty, further impeded economic growth. The Guei and Gbagbo Governments only received limited assistance from international financial institutions during the year due to the coup, government corruption, mismanagement, and political unrest following recent elections.

The Government's human rights record was poor, and there were serious problems in a number of areas. Citizens did not fully have the right to change their Government. Members of the security forces committed hundreds of extrajudicial killings. Following a September 18 attack on General Guei's residence, military forces and gendarmes arrested numerous soldiers; 3 or 4 were tortured to death, and 23 others were detained and tortured. The security forces beat and abused detainees and used force to disperse protesters. Prison conditions remained harsh and life threatening. The Government generally failed to bring perpetrators of these abuses to justice. The Government used arbitrary arrest and detention, and prolonged detention remained a problem. Journalists and opposition members, in particular, were detained without trial for long periods. In January the CNSP released from custody all members of the Bedie Government that were arrested following the December 1999 coup; however, former Minister of State for Interior and Decentralization Emile Constant Bombet was detained again for 33 days. By February all of the army officers arrested and detained during and after the December 1999 coup were released without having been tried. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Guei Government restricted freedom of speech, the press, assembly, and movement. Despite some formal restrictions on freedom of association, the Guei and Gbagbo Governments generally respected this right in practice. At least 26 percent of the country's adult population, including many lifelong residents of the country, remained politically disenfranchised noncitizens. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. Muslims and practitioners of traditional indigenous religions were subject to discrimination. Violent ethnic tensions persisted, and societal discrimination based on ethnicity remained a problem. Child labor, forced child labor, and trafficking in persons, including children, continued; however, efforts to combat these problems within the country showed some success.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces committed extrajudicial killings, including politically motivated killings. There were reports that government security forces killed three or four suspected coup plotters after an alleged assassination attempt on General Guei on September 18 (see Section 1.b.). For example, Sergeant Sansan Kambire was arrested shortly after the September 17 and 18 attack on General Guei's residence. His corpse was discovered in an Abidjan mortuary 3 days after his arrest. That same month, General Guei's personal guard tortured and killed Chief Sergeant Souleymane Diomande, also known as "La Granade," while he was detained at Akouedo military camp. Soldiers poured acid on Diomande and then beat him to death. Guei's guard also arrested and tortured to death Corporal Abdoudramani Ouattara and an unidentified person from Burkina Faso for the September attack. In October the military prosecutor announced that, at the families' request, an investigation would be conducted into the deaths of the three soldiers; the investigation was ongoing at year's end.

Security forces frequently resorted to lethal force to combat widespread violent crime. The CNSP-created special crime fighting unit, P.C. Crise, and other unofficial quasi-militia forces that sprang up after the 1999 coup committed the majority of these killings. Members of the P.C. Crise, the Kamajors, Cosa Nostra, Cobra, and Red Brigade pursued suspected criminals and frequently executed them immediately after capture; occasionally they publicly displayed the bodies. According to government statements and media reports, the security forces had killed hundreds of criminals by year's end. Such killings by the P.C. Crise ended after Gbagbo assumed the Presidency and formed the P.C. Crise Marine.

On February 6, security forces shot several persons, including students and civil servants, while responding to a problem in a nightclub in Abidjan's Treichville neighborhood; two persons died. During a military mutiny on July 4 and 5, mutineers killed a woman in Abidjan's central business district of Plateau, allegedly because she refused to give up her car during a carjacking. The other reported deaths during this uprising occurred during clashes between mutineers and forces loyal to the Guei Government, in which 4 soldiers died and 10 civilians were wounded.

On October 16, a police officer shot a Nigerian woman, Confort Egiante, while she was traveling on a public minibus. The officer was chasing the driver of another minibus that had refused to stop for a police check. The police officer was arrested, and his trial was pending at year's end. According to the Ivoirian Movement for Human Rights (MIDH), during and for several days following the October presidential election, more than 500 persons were killed in clashes with security forces or during clashes with other protesters, by gunshot, drowning, or torture. In addition 860 persons, many of whom were FPI and RDR militants, were injured. Gendarmes also killed some protestors while they were in detention. In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections.

In December there was a press report that security forces had killed at least 10 Nigerians, allegedly for supporting the opposition.

The Gbagbo Government, which took power on October 26, had a mixed record in controlling the security forces. In October after the presidential elections and again in early December in the period prior to the parliamentary elections, gendarmes and police reacted violently against RDR political demonstrations. On October 25, 57 bodies of Muslims were discovered at a site in the Abidjan district of Yopougon. Gendarmes widely are believed to be responsible for these killings. Human Rights Watch (HRW) and other independent investigators published the testimony of alleged survivors who claim gendarmes had dragged them from their homes, marched them along a road where dozens of dead bodies lay, forced them into vans, and then shot dozens of them. Some survivors stated that they lay on the ground pretending to be dead until the gendarmes departed. After taking office, Gbagbo established an inquiry into the massacres at Yopougon; however, by year's end, the Government had not published the findings of its investigation nor had it taken action against members of the security forces responsible for the mass abuse.

Following the November 30 Supreme Court announcement of the disqualification of Alassane Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to the Government, approximately 13 persons were killed in violent clashes with the military and gendarmes, including a municipal treasury official whose throat was slashed by RDR demonstrators; the RDR estimated that there were 30 killings. MIDH reported that 37 persons had died, most by gunshot, along with several hundred persons injured.



By year's end, the Government had taken no action against the gendarmes and police officers responsible for the deaths and abuses committed against FPI and RDR demonstrations after the October 22 presidential elections and in the period prior to and following the parliamentary elections on December 10.

On December 4, gendarmes shot and killed Kaba Bakary, a 60-year-old Guinean, in front of his family as he was getting ready for Muslim prayers. Reportedly he was shot because he was wearing a Muslim robe, which the gendarmes believed marked him as a supporter of the RDR. No action was taken against the gendarmes by year's end.

On December 6, following RDR demonstrations, some presidential guards arrested RDR President Ouattara's private secretary, Abou Coulibaly, as he was passing President Gbagbo's residence in Cocody. When they found out that he was working for Ouattara, the presidential guards severely beat Coulibaly and took him to the Agban Gendarmerie camp where they continued to beat him. The security forces took him to a local medical clinic where he died from his injuries on December 7.

No action was taken against police personnel responsible for a number of killings during demonstrations that occurred between April and October 1999.

Trials still are pending at year's end against 15 trainee gendarmes arrested in 1999 for beating Camara Yaya to death.

Police have made no arrests in the December 1998 death in police custody of Jean Claude Lama, a 16-year-old street child. The authorities continued to characterize the death as a suicide.

Following the October 22 presidential election and subsequent demonstrations and violence, 18 bodies were found that had washed ashore in Abidjan's lagoon; the bodies had been shot numerous times. At year's end, it remained unknown who was responsible for the killings, and a government investigation into the incident was ongoing.

Ethnic violence between Kroumen and settlers from Burkina Faso in the Southwest resulted in at least 13 deaths in September and another 5 deaths in early October (see Section 1.a.).

*b. Disappearance.*—Following the September 18 alleged assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the assassination attempt and in coup plotting (see Section 1.d.). Evidence and the testimonies of 13 of the 23 released soldiers suggest that 3 or 4 of the soldiers that disappeared were tortured and killed (see Section 1.a.).

In the period following the October 22 presidential elections, scores of persons disappeared. Newspapers frequently published the appeals of families who were looking for their children or relatives. There were numerous reports that parents visited hospitals and the morgues looking for their children after failing to find them in any of the gendarmerie camps or at the police school. In November an independent newspaper, *Soir Info*, published an appeal from the chief of San Pedro to President Gbagbo to help him find his son.

In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections. It reported that most of the persons who had disappeared had been arrested by the police.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The new Constitution prohibits cruel and inhuman treatment, humiliating and degrading punishment, torture, physical violence, and other mistreatment; however, in practice security forces regularly beat detainees and prisoners to punish them or to extract confessions and frequently forced detainees to perform degrading and humiliating tasks, such as crawling, eating dirt, doing push-ups while under threat of physical harm, drinking urine or blood, and eating excrement. Jurists' union officials and journalists working for the opposition press reported that police continue to beat suspects to obtain confessions and that suspects are afraid to press charges against the police officers involved. According to local human rights groups, police and gendarmes beat and humiliate detainees or prisoners. Press photographs regularly showed detainees with swollen or bruised faces and bodies. In general government officers who are members of the security forces are not held accountable for abuses.

In December 1998, the Government enacted legislation allowing lawyers to assist their clients during the early stages of detention when abuse is most likely. In spite of this legislation, during the year, police officers and gendarmes continued to mistreat suspects and other persons summoned to police and gendarmerie stations, and on many instances, the security forces did not allow lawyers access to their clients (see Section 1.d.). Police also verbally abused lawyers who tried to assist their clients.

On January 11, in Abidjan's Yopougon neighborhood, members of the police anti-riot brigade stopped a bus and forced the passengers out of the vehicle and beat and kicked several students who were on the bus, including a pregnant law student. Military personnel intervened to stop the beatings. The police explained their actions to their commander by claiming that students on the previous bus that had passed their checkpoint had insulted them. No action was taken against the responsible police officers.

On January 18, members of the military beat citizens and ransacked residences in the city of Daoukro, the home town of former President Bedie, and surrounding villages. Many of the victims were Bedie's relatives or associates. On March 14, members of the military returned to Daoukro to beat citizens, including members of the Bedie family, and confiscated property that Bedie allegedly acquired illegally.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall, seriously injuring two of the strikers who were hospitalized as a result of their injuries (see Section 6.a.).

On February 4, "Dozos" (traditional northern hunters), who were hired by the Guei military Government to provide security, tied up and beat a university student after mistaking him for a crime suspect. The Government took no action against the Dozos responsible for the beating.

On February 6, members of the P.C. Crise beat singer Honore Djoman and then transported him to the Akouedo military camp where they continued to beat him. Reportedly the P.C. Crise members were hired to beat Djoman by a person with whom he had a business dispute. On February 7, members of the P.C. Crise severely beat security guard Alain Patrice Dago after being told about a dispute over money that Dago had with an acquaintance.

On February 21, police severely beat nurse Boua Keke after mistaking him for a suspect they were pursuing. No action was taken against the police officers.

On March 25 in Bouake, off-duty P.C. Crise member Salif Keita shot and injured a student, Aboudramane Coulibaly, whom he believed was going to assault a woman. Following Student Union statements criticizing the P.C. Crise, General Guei intervened within 48 hours to have Coulibaly transferred to an Abidjan hospital. Keita was tried by a military court and sentenced to 12 months in prison.

On March 28, gendarmes in Man mistakenly beat a fellow gendarme after mistaking him for a robbery suspect.

In May members of the military abused a judge who rendered a decision in a labor dispute with which they disagreed (see Section 1.e.).

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fused to stop at a police checkpoint. The gendarmes also shot another minibus driver and union leader, Sangouyana Cisse, in the leg while his vehicle was stopped at a red light.

On December 5, gendarmes arrested and beat severely Jean Philippe Kabore, the son of RDR Secretary General Henriette Dagri Diabate, for allegedly transporting arms in his car. Kabore suffered a fractured skull and broken limbs. He was hospitalized for treatment and remained in detention in Abidjan's prison at year's end.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the presidential and legislative elections, which resulted in numerous injuries (see Sections 1.a., 2.b., and 3).

According to the Ivoirian Association for the Defense of Women's Rights (AIDF), during RDR demonstrations on December 4 and 5, gendarmes raped at least 10 female protestors at the police school. President Gbagbo requested that the Ministry of Interior and Security conduct an investigation. The Ministry concluded that "anti-demonstrators," not gendarmes or police officers, raped three women near the police school, but admitted that the rapes took place in the presence of gendarmes, after they had arrested the women.

On December 5, six police officers that were pursuing RDR demonstrations forced their way into Traore Fousseini's house. They destroyed furniture, beat him with truncheons, and stole all of his money. They also beat Traore's wives and brother-in-law. Reportedly they were beaten because they belonged to the "Dioula" ethnic group, which is represented highly among RDR members.

On December 5, BAE members responding to a fire in a mosque used tear gas and beat Muslims who had gathered to inspect the damage to the mosque (see Sections 1.d., 2.c., and 5).

On December 6, presidential guards beat to death Abou Coulibaby, RDR president Ouattara's private Secretary (see Section 1.a.).

On December 15, the Agence France Presse (AFP) published the testimonies of several persons whom gendarmes tortured during and after the December 4 and 5 RDR demonstrations. The victims withheld their names, but some stated that they were from the north, while others stated that they were from neighboring countries. All claimed that drunken policemen beat them every night with truncheons, whips, and boards with nails, or burnt them. One man stated that the policemen burnt his genitals.

Security forces regularly beat and harassed journalists (see Section 2.a.). For example, on October 26, gendarmes beat Raphael Lakpe, the publisher of the pro-RDR *Le Populaire*, and his bodyguard at the Koumassi Commando Camp (see Section 2.a.). On the same day, gendarmes also severely beat Bakary Nimaga, chief editor of the pro-RDR newspaper *Le Liberal* (see Section 2.a.).

Police frequently used excessive force to disperse demonstrations. On July 31, military riot police used tear gas, rifle butts, and truncheons against demonstrators supporting statements by the French Government on candidate participation in the presidential election (see Section 2.b.). The demonstrators were prevented from gathering at the French Embassy, and many were beaten, forced to do push-ups, eat cement, and crawl through downtown streets in Abidjan. Security forces also beat a journalist covering the event (see Section 2.a.). There were 47 reported injuries, of which 17 were serious. On September 9, gendarmes used tear gas to disperse a crowd gathered in the Abidjan neighborhood of Yopougon to attend an RDR meeting (see Section 2.b.). Upon learning that the meeting had been canceled by the CNSP the previous evening, some of the crowd threw stones at the gendarmes, who responded with tear gas. Police also frequently used violence to restrain and disperse demonstrators.

Police routinely harassed and abused noncitizen Africans (see Section 5). On occasion police entered the homes and businesses of citizens, noncitizens Africans, and other noncitizens, and extorted money from them (see Sections 1.f. and 2.d.). In October and December, foreigners complained publicly that the police often stopped them for identity checks and confiscated their documents to later sell them back to the original owners. They reported that even when their residence permits were valid, police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers. In December a newspaper quoting some of the hundreds of Nigerians who returned to Nigeria to escape the antiforeigner violence reported that security forces had tortured Nigerians.

Many unemployed and homeless detainees reported that authorities beat them while they were in detention.

Military and other forces were responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation. These abuses were widespread particularly during the military mutiny of July 4 and 5. Mutineers robbed, looted, de-

stroyed property, and terrified the citizenry. The mutineers targeted the cities of Abidjan, Bouake, Katiola, Korhogo, and Yamoussoukro in particular. Following the July mutiny, the Government arrested 114 soldiers and 6 officers for their actions during the uprising. The Government released 74 of the soldiers after questioning and tried the remaining 40; 35 soldiers were convicted of participating in the mutiny. Four of the six officers were awaiting trial at year's end; charges against the other two officers were dismissed following an investigation.

No action was taken against the two police officers who shot and injured Momble Roger Zemon, a driver for Sucrivoire, in Abidjan's Yopougon district in 1999. No action was taken against police officers who beat and detained Issa Traore, a 30-year-old member of the Truck Drivers and Truck Owners Trade Union in Abidjan's Adjame district in 1999.

Even though prison deaths have declined, harsh and lifethreatening conditions still result in hundreds of fatalities each year. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medications. HIV/AIDS, diarrhea, and tuberculosis also reportedly are significant causes of death. In 1999 there were 537 inmate deaths in the nation's prison system, of which 122 deaths occurred at the Abidjan House of Arrest and Corrections (MACA), including 27 deaths of inmates who were trampled on December 23, 1999.

The Director of Penitentiary Administration stated that the death rate at the MACA had dropped by 60 percent since October 1998 and was expected to remain low due to improvements made in 1999 to the sanitation system. Improvements were financed jointly by Doctors Without Borders and the Government. Doctors Without Borders reported that the death rate in prisons had fallen approximately 90 percent from 1997.

During the December 1999 coup, the mutineers released all 6,693 inmates of the MACA. The unforeseen outcome of this action was improved conditions due to less overcrowding; however, by November the MACA population numbered approximately 3,800 inmates. The MACA was designed to hold only 1,500 inmates. On December 31, President Gbagbo announced a presidential pardon for 2,500 prisoners nationwide. It was unclear how many of those pardons went to MACA prisoners.

In July the government newspaper *Fraternite Matin* stated that prison conditions for women especially were difficult. In 1998 the prison separated female and male prisoners and began using female guards for female prisoners and male guards for male prisoners. Female prisoners are housed in a separate building that can hold up to 120 residents, and as of May, there were 78 women detained there. There still are no health facilities for women. There continued to be credible reports of children born in prison or living in prison with their mothers; as of May, there were 13 children living with their mothers in prison. During the year, there were no reports that guards raped female prisoners. Nevertheless, there still were reports that female prisoners engaged in sexual relations with their wardens in exchange for food and more privileges.

Since 1998 the Government has permitted the International Catholic Office for Children (BICE) to improve conditions at the MACA for women and their children. During the year, BICE removed 34 children from the prison and placed them with family members or foster families. BICE also provided female inmates with food, medical care, clothing, soap, and other necessities. BICE constructed a multi-purpose room for pregnant women, mothers, and children.

Juvenile offenders are held separately from adults. At year's end, 170 13-to 18-year olds, including 14 girls, were in detention.

The Government permits access to prisons by local and international NGO's that seek to provide food and medical care to prisoners. In addition to BICE, humanitarian NGO's, including the International Committee of the Red Cross (ICRC), Prisoners Without Borders, and Doctors Without Borders had access to the prisons and visited them during the year to provide food and medical care to prisoners. However, none of these NGO's specifically monitored human rights conditions in the prisons. The Ivoirian Human Rights League (LIDHO), which monitors human rights conditions in prisons, does not have authorization to visit prisons without advance notice. LIDHO usually must write to the prison warden if it wants to visit inmates. Wardens rarely grant approval on the first request. LIDHO stated publicly that they did not visit the MACA during the year because the overcrowding problem temporarily was alleviated and conditions had improved somewhat following the December 1999 release of all inmates in MACA. However, during the year, LIDHO did visit Abidjan's military prison, the MAMA.

After Gbagbo took office, there were no reports that NGO's had difficulty gaining access to prisons.

On October 27, after five days of protests and fighting following the October 22 presidential election, a mass grave containing 57 persons was discovered at

Yopougon, northwest of Abidjan. International and local human rights groups immediately called for an inquiry, and President Gbagbo agreed to international investigations.

*d. Arbitrary Arrest, Detention, or Exile.*—The new Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained problems. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for only 48 hours without bringing charges. A magistrate may order detention for up to 4 months but also must provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law often is violated. Police and the CNSP have held persons for more than 48 hours without bringing charges. According to members of a jurists' union, this practice is common and magistrates often are unable to verify that detainees who are not charged are released.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believes that the suspect is not likely to flee. Inmates continue to suffer long detention periods while awaiting trial in the MACA. On July 7, Ministry of Justice figures indicated that of the 2,975 inmates in the MACA, 1,063 (36 percent) were awaiting trial and 1,912 (64 percent) had been tried and were serving their sentences. In the 32 regional prisons outside of Abidjan, out of 9,059 inmates, only 1,787 (20 percent) were awaiting trial, while 5,275 (80 percent) were serving their sentences. In spite of a 1998 law that limits pretrial detention to 10 months in civil cases and 22 months in criminal cases, some detainees have spent as many as 5 years in detention awaiting trial.

On February 1, members of the military briefly detained the players of the Ivoirian National Soccer Team as they returned from the African Cup of Nations in Ghana. Soldiers transported the team to the Zambakro Military Camp, confiscated the players' cell phones and passports, and detained them for 48 hours. General Guei stated that the team, which had performed disappointingly in the tournament, needed to learn a lesson in patriotism, civics, and sportsmanship. He threatened the players with military service the next time they lacked patriotism.

On February 3, in the town of Toumodi, members of the military fire brigade detained Judge Aka Allou and forced him to release from custody their colleague Kouanda Ismailia. Kouanda had been convicted of breach of trust and was serving his sentence at the time. Following strong protests from two magistrates' unions, the Guei Government intervened and ordered the military firemen to release Judge Allou and return Ismaili to prison.

Between February and June, the Guei Government arrested approximately a dozen former ministers and high government officials considered close to former President Bedie as part of the anti-corruption fight known as "Operation Clean Hands" (see Section 3). For some officials, it was their second time being arrested since the coup. Authorities released all of the former government members by the end of July due to lack of evidence. Among those arrested were former Minister of State for the Interior and eventual PDCI presidential candidate Emile Constant Bombet. Security forces had arrested Bombet following the December 23 overthrow of Bedie and had detained him for 1 month without charge. He was rearrested in February and held for 33 days for allegedly having organized gatherings that endangered national security and for his alleged involvement in embezzling state funds set aside for organizing presidential and legislative elections in 1995. On September 6, the same day that Bombet was invested as the PDCI presidential candidate, the prosecutor reopened his case for further investigation. At year's end, Bombet was awaiting trial but no longer was in detention.

On July 9, gendarmes arrested and tortured a student leader (see Section 1.c.).

On July 12, gendarmes arrested three members and one suspected member of the RDR on suspicion of involvement in the July 4 and 5 military mutiny. For 6 hours, gendarmes questioned Amadou Gon Coulibaly, Deputy Secretary General of the RDR; Ally Coulibaly, RDR National Secretary for Communication; Amadou Sangafowa, RDR Deputy National Secretary for Organization; and Mamadou Coulibaly, Amadou Gon Coulibaly's uncle, about the mutiny and then released them after 48 hours in detention. The Government never disclosed the evidence linking the four to involvement in the July 4 and 5 events.

On July 21, the CNSP briefly detained and questioned National Islamic Council (CNI) President El Hadj Idriss Kone Koudouss (see Section 2.c.). The CNSP warned Koudouss not to advise Muslims to vote against the Constitution in the July 23 referendum, as they accused him of doing in a previous sermon. The CNSP noted that such types of sermons could be considered inciting violence and rebellion. Koudouss was released after the warning.

On July 28, the military tribunal detained and questioned Professor Morifere Bamba, the former Minister of Health in the transitional regime and leader of the Party for Progress and Socialism (PPS). He was accused of cooperating with the July 4 and 5 mutineers. In August he was released for lack of any evidence.

In August authorities placed Zemogo Fofana, RDR National Secretary for External Relations and mayor of Boundiali, under house arrest. The Government accused Fofana of recruiting mercenaries to overthrow Guei and disrupt presidential elections. Authorities released Fofana within a week and allowed him to return to his home in Boundiali after the October 22 elections.

On August 24, the gendarmes detained and questioned El Hadj Koudouss, four other prominent imams from the CNI, and one Islamic youth leader (see Section 2.c.). The Government accused them of procuring arms, in cooperation with RDR presidential candidate Ouattara, in order to destabilize the country. The gendarmes released all six after questioning. According to the imams, this was the fifth time that leaders of the CNI had been called in for questioning since the coup.

On September 8, members of the security forces arrested Amadou Kone, computer engineer with the National Geographic Information and Teledetection Center. The Government accused him of revealing to the RDR strategic information and endangering national security. This information was the early partial results of the July 23 and 24 referendum, which Kone helped the RDR attain by installing a computerized information system in their offices. Kone was released from custody on September 13, and charges against him were dropped for lack of evidence.

Following the September 18 assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the attempt; one of the soldiers remained unaccounted for at year's end (see Sections 1.a. and 1.b.).

On September 24, uniformed men arrested Alphonse Douaty, FPI National Secretary for the Mountains Region, at his home. According to his family, the men who arrested Douaty stated that they were taking him to General Guei who wanted to discuss Douaty's opposition to the General's presidential candidacy. Douaty was released on September 26.

On November 8, police arrested Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end; during the hearing, military prosecutors continued to introduce new evidence in order to keep the two generals incarcerated (see Section 1.e.).

On December 5, police detained an imam who attempted to intervene to prevent beatings by BAE members of Muslims (see Sections 1.c., 2.c., and 5.). The police also entered two mosques and detained persons inside. On December 6, some presidential guards arrested and beat Abou Coulibaly outside of President Gbagbo's residence; he later died from his injuries (see Sections 1.a. and 1.c.).

During the year, members of the military regularly entered businesses unannounced and used threats to force local and expatriate businessmen to accompany them for questioning. The military members claimed to be searching for property that was stolen from the Government during the Bedie regime or looking for evidence of economic crimes; military members extorted payments frequently for these alleged crimes. This abuse decreased under the Gbagbo Government.

Foreigners complained that they were subject to police harassment; in particular that police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers (see Sections 1.c. and 2.d.).

During and following the December 1999 coup, the mutineers arrested approximately 150 ministers, military officers, and other officials known as supporters of the Bedie Government; however, formal charges were not filed. Many of these officials subsequently were released and rearrested during the next several months following the coup.

During student strikes in May 1999, police arrested student leaders Kouame Kouakou and Drigone Faye in Bouake on charges of inciting violence and destruction of property under the 1992 Antivandalism Law. Charles Ble Goude, the secretary general of FESCI, was arrested on August 17 and also was charged with inciting violence and destruction of property. None of the students were charged with a crime, and all three students were released by October 1999.

In December 1999, the Bedie Government issued a warrant for Ouattara's arrest for the alleged falsification of documents and their use. Newspaper accounts speculated that Bedie ordered the warrant to intimidate Ouattara and to prevent him from returning to the country.

Journalists frequently were arrested, detained, or questioned for short periods of time without being charged, as were political party and religious leaders (see Sections 2.a., 2.c., and 3).

Although it is prohibited by law, police restrict access to some prisoners. For example, gendarmes did not allow the lawyers of four RDR suspects arrested on July 12 to speak with their clients during their detention. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held. There have been no reports of lawyer harassment during the year. Police also verbally abused lawyers who tried to assist their clients.

Article 12 of the new Constitution specifically prohibits forced exile; however, the Guei Government prevented former President Bedie's return to the country. General Guei denied a request from the PDCI to allow Bedie's return in August to take part in their convention and possibly the presidential race.

*e. Denial of Fair Public Trial.*—The new Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch, military, and other outside influences. Although the judiciary is independent in ordinary criminal cases, it follows the lead of the executive in national security or politically sensitive cases. Judges serve at the discretion of the executive, and there were credible reports that they submit to political pressure.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. In July the Government named a new Supreme Court President and a new Constitutional Chamber to the Supreme Court. The Constitutional Chamber, whose main responsibility is to determine presidential candidate eligibility, was hand-picked by General Guei and was headed by Kone Tia, Guei's former legal advisor. At year's end, Kone Tia remained president of the Supreme Court. The Constitution grants the President of the Republic the power to replace the head of the court once a new parliament is in place, and Gbagbo is expected to do so in early 2001.

Military courts do not try civilians. Although there are no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

In rural areas, traditional institutions often administer justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution is by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly is superseding these traditional mechanisms. In 1996 a Grand Mediator was appointed to settle disputes that cannot be resolved by traditional means. The new Constitution specifically provided for the office of Grand Mediator, which is designed to bridge traditional and modern methods of dispute resolution. The President names the Grand Mediator, and Mathieu Ekra has been Grand Mediator since the Bedie Government.

The law provides for the right to public trial, although key evidence sometimes is given secretly. The presumption of innocence and the right of defendants to be present at their trials often are not respected. Those convicted have the right of appeal, although higher courts rarely overturn verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for courtappointed attorneys; however, no free legal assistance is available, except infrequently when members of the bar provide pro bono advice to defendants for limited time periods. In April the bar began operating a telephone hotline for free legal advice from volunteer attorneys. On November 28, the president of the bar announced that the bar would not continue to provide free legal assistance to poor clients if their transportation and lodging expenses were not furnished by the Government. The bar has 200 members that help give free legal advice. In practice many defendants cannot afford private counsel and court-appointed attorneys are not available readily. In many instances, security forces did not allow lawyers' access to their clients (see Section 1.d.).

Members of the military interfered with court cases and attempted to intimidate judges. They also intervened directly in labor disputes, sometimes arresting and intimidating parties. From May 20 to 22, judges stopped working to protest the treatment they were receiving from members of the military. Since the coup, the military had been attempting to influence court cases and in May verbally harassed and threatened Judge Olivier Kouadio after he rendered a decision in a labor dispute with which the military disagreed (see Section 6.b.). There are no reports of the military attempting to influence court cases under the Gbagbo Government.

On November 8, police arrested CNSP members Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end. During the hearing, military prosecutors continued to introduce new evi-

dence and charges in order to keep the two generals incarcerated; however, there was no trial (see Section 1.d.).

The new Constitution granted immunity to all CNSP members and all participants in the December 1999 coup d'etat for all acts committed in connection with the coup, which implicitly included all criminal activity such as looting, robbery, carjacking, and intimidation that occurred during the coup.

On January 26, the Guei Government granted amnesty for all offenses committed during the September 27 and October 27, 1999 political demonstrations. This amnesty included all of the RDR leaders who had been tried and convicted under the previous regime's antivandalism law, which held leaders of a group responsible for any violence committed by one of its members during a demonstration. All of the RDR prisoners were released from prison on December 24, 1999, by the mutineers leading the December 1999 coup (see Section 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Code of Penal Procedure specifies that a police official or investigative magistrate may conduct searches of homes without a judicial warrant if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may not take place between 9:00 p.m. and 4:00 a.m. in order to prevent the police and gendarmes from entering a home in the middle of night under the auspice of a search warrant.

In practice police sometimes used a general search warrant without a name or address. On occasion police have entered the homes of noncitizen Africans (or apprehended them at large), taken them to local police stations, and extorted small amounts of money for alleged minor offenses. In the months following the December coup, soldiers frequently extorted money from citizens and foreigners and sold their services to private individuals, in some instances beating or abusing others on behalf of those citizens (see Section 1.c.). On February 23, General Guei reprimanded three members of the military, Sargent Albert Ble Ibo, Kouadio Paul Oura, and Konan Alla, who had been using their positions to enter homes and extort money from residents, to a military court to face sanctions. On February 15, another soldier, Mathurin Kouakou, and a police officer, Sargent Jean-Claude Ano, were removed from their posts and reprimanded for similar acts; in March they were convicted of extortion and given a suspended sentence of 2 months imprisonment and fined \$43 (FCFA 30,000).

In January and March, members of the military beat citizens and ransacked homes in Daoukro, the hometown of former President Bedie, and in surrounding villages (see Section 1.c.).

On March 20, three soldiers searched the offices of Attorney Mathurin Dirabou without a warrant. The soldiers entered the office, pulled all of the lawyer's files from his drawers, and left without questioning anyone. Dirabou, who at the time was handling former Minister of State for the Interior Emile Constant Bombet's defense for alleged embezzlement, noted that a similar search had occurred on a previous occasion. Following a protest by the Abidjan Bar, the three soldiers apologized to Dirabou and stated that their actions were unrelated to the attorney's defense of Bombet but were motivated personally due to a relative's dispute with Dirabou.

Police and gendarmes searched 17 mosques for arms prior to the October 22 presidential election.

On August 27, approximately 25 gendarmes searched a mosque in Abidjan's Riviera 2 neighborhood, which is headed by one of the leaders of the NIC, Imam Sekou Sylla. Gendarmes also mistakenly searched the house of one of the imam's neighbors. The gendarmes had intended to search the imam's home, allegedly to look for arms that they suspected the Muslim community was hiding for the RDR. The gendarmes did not have warrants to conduct the search.

On the night of August 28, gendarmes in the western town of Zouan-Hounien searched the home of Mouatapha Diabaly, the RDR Coordinator for the Department of Danane. Diabaly also was accused of storing arms for the RDR; the gendarmes did not have a warrant for the search.

Following the September 18 alleged assassination attempt at General Guei's home in Abidjan (see Section 1.a.), gendarmes searched the homes of numerous members of the military who were suspected of taking part in or plotting the attack. This included the homes of the Minister of State for Security, General Lassana Palenfo, and the Minister of State for Transport, General Abdoulaye Coulibaly. The search of Palenfo's home occurred while he was out of the country attending the Olympic Games in Sydney. The RDR party headquarters in the Adjame district of Abidjan also were searched and ransacked. The evidentiary basis for the searches was unclear and had not been made public by year's end.



On September 26, security forces searched the home of Zemogo Fofana, the RDR's National Secretary for External Relations, in the northern city of Boundiali. Although the purpose of the search was unclear, it is believed that the security forces were searching for arms. Military, police, and gendarmes also searched the residence of Kassoum Coulibaly in the northern city of Korhogo, allegedly looking for arms. Coulibaly, a former deputy from Korhogo, is considered to be close to General Guei.

In September and October, gendarmes and members of the military made frequent visits, sometimes heavily armed and in armored vehicles or in boats, to the residence of RDR presidential candidate Alassane Ouattara, whose house is located on the Ebrie Lagoon. Despite at least one attempt, the security forces never entered Ouattara's home; however, their frequent presence restricted the family's movement and observers believe it was intended to intimidate Ouattara and his family. Hundreds of RDR supporters began full-time protection of the house after the visits began.

On December 5, six police officers that were pursuing RDR demonstrators forced their way into Traore Fousseni's house. They destroyed furniture, beat him with truncheons, and stole all of his money (see Section 1.c.).

Security forces reportedly monitored some private telephone conversations, but the extent of the practice was unknown. For example, on May 12, General Guei claimed to have a copy of a taped telephone conversation between RDR Deputy Secretary Amadou Gon Coulibaly and a student union member, which Guei claimed revealed the RDR's intention to endanger national security. Government authorities monitored letters and parcels at the post office for potential criminal activity; they are believed widely to monitor private correspondence, although no evidence of this has been produced. The Guei Government used students as informants at the University of Abidjan (see Section 2.a.); however, there were no reports the Gbagbo Government used students as informants.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The new Constitution provides for freedom of expression, and private newspapers frequently criticize government policies; however, the Guei Government imposed significant restrictions on this right. At times the Guei Government enforced these restrictions by inflicting physical harm upon, threatening, and arresting journalists, and ransacking media offices. Journalists continued to practice self-censorship.

The two government-owned daily newspapers, *Fraternite Matin* and *Ivoir Soir*, offer little criticism of government policy. There are a number of private newspapers: 17 daily, 30 weekly, 5 bimonthly, and 10 monthly. While these newspapers voice their disapproval of government or presidential actions frequently and sometimes loudly, the Government does not tolerate what it considers insults or attacks on the honor of the country's highest officials. A law enacted in 1991, soon after the Government first allowed substantial numbers of private newspapers to operate, authorizes the State to initiate criminal libel prosecutions against persons who insult the President, the Prime Minister, foreign chiefs of state or government or their diplomatic representatives, defame institutions of the State, or undermine the reputation of the nation. In addition the State may criminalize a civil libel suit at its discretion and at the request of the plaintiff. Criminal libel is punishable by 3 months to 2 years in prison. The Guei Government used this law against a number of journalists during the year.

General Guei's initial transition Government included highly respected journalist and former television anchorman Levy Niamkey as Communications Minister. In October 1999, the Bedie Government had suspended Niamkey from his anchor duties due to a dispute over the content of his news reports, and eventually he resigned in protest. Observers viewed the CNSP's naming of Niamkey positively; however, in May Guei replaced Niamkey with CNSP member and Navy Lieutenant Henri Cesar Sama, who had no qualifications for the job other than loyalty to the General. The Guei Government then named Niamkey director of the television portion of the government broadcasting organization, Radiodiffusion Television Ivoirienne (RTI); however, he was fired in September after trying to provide equal access to television for all political parties.

At the beginning of the year, the media was free to express their views in support of whichever candidate or policy they supported; however, in the latter half of the year, the Government and General Guei used threats, arrests, and beatings of journalists in order to control the press.

On February 11, General Guei's guards summoned Tape Koulou, publisher of the staunchly pro-Bedie daily *Le National*, to the presidency. After waiting more than 8 hours, Koulou met with Chief Sergeant Ibrahima B. (I.B.) Coulibaly, a member

of the presidential guard, who told him to stop writing about opposition leader Ouattara. On March 24, approximately 10 soldiers led by Corporal Issa Toure attacked the offices of *Le National* after it ran a story critical of General Guei. The soldiers fired shots several times into the office ceiling, destroyed furniture, threatened the journalists, and forced them to do push-ups. On June 23, police detained and questioned Asse Alefe, the Director of Publication for *Le National*, and one journalist concerning a story questioning the Ivorian heritage of CNSP member and Minister of Communication Sama. The two journalists were detained for 1 day before being released. On June 27, following rumors of a coup on June 24, the Director of the Cabinet for the Ministry of the Interior again questioned Asse Alefe, and his assistant, Traore Bouraima, for several hours on their role in the coup rumors. The Director of Cabinet accused them of spreading false information because they had reported coup rumors on June 22. The public prosecutor's office also questioned the two who were released but told to remain available to the courts. On June 28, the CNSP issued a statement concerning the incident, stating that while the Government supports press freedom, there are limits to that freedom. The release added that the articles in *Le National* threatened state security.

On May 9, communication advisors for General Guei summoned to the presidency Honore Sepe and Christian Kara, two journalists from the pro-RDR daily *Le Libéral*, in order to reproach them for writing stories on the probable presidential candidacy of General Guei and its negative effect on the transition. On July 6, members of the military detained *Le Libéral* publication director Kone Yoro and two of his employees, Emmanuel Tanoh and Ibrahim Diamonde, and took them to the Ministry of Communication for questioning. Minister Sama warned the journalists about the content of their articles following the July 4 and 5 mutiny before releasing them from custody. On August 2, gendarmes arrested Yoro and *Le Libéral* journalist Kara Khristian for the defamation of General Guei in an article published the previous day concerning a check signed by the General, which the newspaper indicated would be used to finance Guei's presidential campaign. Gendarmes detained the two journalists for 2 days.

On May 10, soldiers briefly detained and questioned Patrice Pohe, the publisher of the pro-RDR newspaper *La Référence*, and Kone Satigui, a journalist, at National Armed Forces Headquarters. The soldiers warned the journalists against publishing anti-CNSP articles. On May 16, five members of the military destroyed computer equipment at the offices of *La Référence* and detained Pohe and three other journalists at the presidency, where they kicked the journalists and forced them to do push-ups. The four were released after several hours. In June in response to criticism from several NGO's regarding these incidents, General Guei asked the military to stop mistreating journalists. On August 26, military men claiming to be presidential security again arrested Pohe and questioned and threatened him for several hours. Pohe claimed he was arrested because of his support of opposition leader Ouattara.

On June 28, a court sentenced Sidibe Pate, a Burkina Faso traveler who was staying at a hotel in Divo where he was overheard making negative comments about General Guei, to 12 months in prison for insulting the head of state. On July 31, security forces beat British Broadcasting Corporation (BBC) journalist Mohamed Fofana Dara while he was covering a demonstration at the French Embassy (see Section 2.b.). The military and gendarmes, who forcibly dispersed the demonstration, continued to strike Fofana after he identified himself and showed his press identification (see Section 1.c.).

On August 31, the public prosecutor had gendarmes detain *Notre Voie* journalist Freedom Neruda and publisher Eugene Allou and bring them in for questioning. During a press conference on August 13, Neruda had warned citizens that they should not allow General Guei to build up his hometown as previous Presidents Houphouët-Boigny and Bedie had done with their birthplaces. Gendarmes released the journalists after 1 day of questioning but warned them not to leave the country.

On September 8, members of the military severely beat Joachim Buegre, a journalist and the political affairs editor for the Abidjan daily *Le Jour*. The beating occurred immediately following a meeting between Buegre and General Guei, during which Guei warned Buegre about an article that had appeared in *Le Jour* the previous day that called into question Guei's parentage and his eligibility to participate in the October presidential election. After forcing Buegre to show them where he lived, the soldiers beat him and left him on the side of an Abidjan road near the presidency. Buegre remained hospitalized for several days after the incident. In response private newspapers did not publish on September 21, and on September 22, journalists marched from the headquarters of the journalists' union to the presidency. Immediately after the march, General Guei met with the journalists and told them to concentrate on constructive criticism rather than on news that was false

or could divide the country. Minister Sama also warned the media to stop publishing stories about the military, on the grounds that such articles created divisions in the military. On September 9, a presidential press aide called two journalists from the daily *Le Patriote* to the presidency to discuss that newspaper's running of the same story for which *Le Jour* journalist Beugre was beaten. The press aide questioned the journalists, who then were released unharmed several days after their initial detention.

On October 24 in the Abidjan district of Plateau, the military arrested Franck Andersen Kouassi, a journalist and the deputy chief editor of *Le Jour*, and Yacouba Gbane, a journalist at *Le Jour*, while they were covering an event. The military beat and verbally abused them and confiscated their equipment. After several days in detention, they were released without being charged.

On October 26, at the beginning of an RDR protest demonstration to demand new presidential elections, a group of 50 FPI members detained Raphael Lakpe, the publisher of *Le Populaire*, a pro-RDR newspaper. They then handed Lakpe over to gendarmes who took Lakpe and his bodyguard to the Koumassi Camp Commando where the gendarmes beat them with their belts, made them swim in dirty water, and insulted them for supporting Ouattara.

On October 26, 20 FPI members severely beat Bakary Nimaga, the chief editor of the pro-RDR newspaper *Le Liberal* as he was going to work. They then handed Nimaga over to a group of gendarmes. The gendarmes took him to Abidjan's Riviera III suburb where they made him swim in a gutter, then took him through the neighborhoods of Anono, Blockhauss, and Cocody, where they stopped to beat him in front of onlookers. The gendarmes eventually took Nimaga to the Agban Gendarmerie camp, where they threatened him and used pieces of wood, truncheons, and iron sticks to beat him. The gendarmes continued to beat Nimaga after breaking his arm. Following the intervention of some other officers, Nimaga was released from the Agban Gendarmerie camp that evening with a broken arm, and wounds on his back, thighs, and ears. Nimaga stated that while he was being beaten, he saw approximately 40 gendarmes beating more than 100 persons including 2 elderly men.

On October 26, gendarmes also destroyed the equipment and the headquarters of *Le Liberal*.

On November 6, the National Observatory for the Freedom of the Press (OLPED) held a press conference to criticize the rough military treatment of Franck Andersen Kouassi and Yacouba Gbane, and the beatings of Bakary Nimaga and Raphael Lakpe by gendarmes. The OLPED also criticized the gendarmes' destruction of the headquarters of *Le Liberal* and the destruction of another newspaper, *La Reference*, by a crowd of demonstrators on October 25.

Because literacy rates are very low, and because newspapers and television are relatively expensive, radio is the most important medium of mass communication. The government-owned broadcast media company, RTI, owns two major radio stations; only the primary government radio station is broadcast nationwide. Neither station offers criticism of the Government. There also are four major private domestic radio stations: Radio France Internationale (RFI), the BBC, Africa Number One, and Radio Nostalgie. They broadcast on FM in Abidjan only, except for RFI, which in 1998 signed an agreement with RTI to allow it to broadcast via relay antennas to the north and center of the country. The RFI and BBC stations only broadcast internationally produced programming. The Africa Number One station, which is 51 percent domestically owned, broadcasts 6 hours a day of domestically produced programming; the rest of the time it broadcasts programming from Africa Number One's headquarters in Libreville, Gabon. Radio Nostalgie is 51 percent owned by Radio Nostalgie France. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country. The private stations have complete control over their editorial content. However, only Radio Nostalgie frequently was critical of the Government in its editorials.

On July 4, during the military mutiny, gendarmes closed Radio Nostalgie. General Guei questioned Hamed Bakayoko, the station director, and Yves Zogbo, Jr., the program director. Bakayoko was considered an ally of Ouattara, and his station was considered pro-RDR by the authorities. Following the October 22 presidential election, RFI and BBC FM broadcasts were jammed for over a week.

Radio station license applications are adjudicated by a commission under the Ministry of Information, which has accepted applications and awarded licenses only once, in 1993. On that occasion, the commission denied 7 of 12 applications on a variety of grounds, including, in one case, affiliation with a major opposition political party.

In 1998 the Government authorized 43 community radio stations with very limited broadcast strength, no foreign-language programming, no advertisements, and public announcements limited to the local area. While the number of authorized

community stations now stands at 52, only 26 stations were broadcasting at year's end. On August 1, Edmond Zeghehi Bouazo, President of the National Council of Audiovisual Communication, met with the promoters of community and commercial radio stations to remind them of programming restrictions and the prohibition on political content in programming. In 1999 Roman Catholic Church groups began to operate four community radio stations: Radio Espoir in Abidjan, Radio Paix Sanwi in Aboisso, Radio Notre Dame in Yamoussoukro, and Radio Dix-Huit Montagnes in Man. Although the Muslim associations received a broadcast license in 1999, no Muslim station had begun broadcasting by year's end.

There are two television stations that broadcast domestically produced programs. Both are owned and operated by the Government. Only one broadcasts nationwide. Neither station criticizes the Government. The only private television station, Canal Horizon, is foreign owned and broadcasts no domestically produced programs. The Government has not accepted any applications to establish a privately owned domestic television station.

On July 6, members of the military stopped journalist Frank Kouassi while he was filming a segment for the television program "Point Media," forced him into a vehicle, and transported him to the Abgan Gendarmerie Camp for questioning. Captain Fabien Coulibaly questioned Kouassi on the events of the July 4 and 5 mutiny and on his relations with Ouattara before releasing him the same day.

The National Council of Audiovisual Communication (NCAC), established in 1991 and formally organized in 1995, is responsible for regulating media access during the 2-week formal political campaign period and for resolving complaints about unfair media access. Following the December 1999 coup, the previously PDCI-dominated NCAC was taken over by the military Government. Because domestic television is controlled by the state, the NCAC is unable to fulfill its mandate at times. On October 9, Edmond Zeghehi Bouazo, president of the NCAC, announced that each of the five candidates in the October 24 presidential elections would be granted 5 minutes per day on the radio as well as on television from October 9 to October 21. All of the radio channels broadcasted the messages of the candidates simultaneously. However, during the campaign, the FPI complained that Guei was granted more than the allotted 5 minutes on television daily; he and his wife's activities were broadcast at length.

The Government does not restrict access to or distribution of electronic media. There are 12 domestic Internet service providers, of which 4 are major providers; the first began operations in 1996. All 12 are privately owned and relatively expensive. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly are not unduly restrictive.

The Government continued to exercise considerable influence over the official media's program content, news coverage, and other matters, using these media to promote government policies. Much of the news programming during the year was devoted to the activities of the President, the Government, the PDCI, and proGuei groups. After Gbagbo took office, he indicated that the media would no longer be pressured to devote programming to his and the Government's activities.

In June Minister of Communication Sama stopped the airing of RDR announcements publicizing a tour of the country by Ouattara. Sama claimed the spots featured "Nazi music" and forced the RDR to modify the advertisements. By the time the spots were cleared, it was too late to provide publicity for the tour and the announcement aired only once.

Beginning in August, when the presidential campaign began, government television provided almost exclusive coverage of General Guei's activities and excluded coverage of the other candidates and their activities. While the political parties and print journalists complained about this practice, the content of the programming did not change; only occasionally it provided time to other candidates.

International journalists were subject to government harassment and intimidation during the year. Following the September 18 assassination attempt on his life, General Guei criticized RFI for reporting "lies" after it suggested that Guei had orchestrated the assassination plot. Prior to the December legislative elections, government authorities accused international journalists, such as RFI, of distorting the sociopolitical situation and threatened them with brutality if they did not report more news favorable to the government. Following the December legislative election, unidentified callers threatened Bruno Minas of RFI. Minas claims that he was threatened because he reported that RDR supporters were victims of government harassment and abuse; subsequently he was forced to leave the country for his own safety. Correspondents of AFP, the French daily *Le Monde*, and the BBC's Africa Bureau (BBCAfrica) also were forced to leave the country for their safety.

There is no known law specifically concerning academic freedom, although academics have cited laws of French origin concerning the operations of universities to

support their claims of academic freedom. In practice the Government tolerates much academic freedom; however, it inhibits political expression through its proprietary control of most educational facilities, even at the post-secondary level. In April 1999, the president of the University of Cocody banned all meetings and sit-ins on the campus; 2 days later the Council of Ministers ratified and extended the President's action, banning all FESCI activities throughout the country. Following the December 1999 coup, the Guei Government allowed FESCI to resume operations. However, in September members of the military beat students from FESCI on the university's Cocody campus. Three of the students, all of whom were alleged to belong to a branch of FESCI that supports the RDR, were injured seriously.

Unlike in the previous year, students at universities and secondary schools did not stage demonstrations and protests about educational problems, due to a decision by the student organizations to allow General Guei time to organize elections, and to a split within the organizations along political party lines. These splits in the student ranks led to violent confrontations between students and numerous injuries (see Section 1.c.). There were numerous student protests at the end of the year (see Section 2.b.).

Many prominent scholars active in opposition politics have retained their positions at state educational facilities; however, some teachers and professors suggest that they have been transferred or fear that they may be transferred to less desirable positions because of their political activities. According to student union statements, government security forces continued to use students as informants to monitor political activities at the University of Abidjan.

*b. Freedom of Peaceful Assembly and Association.*—The new Constitution allows for freedom of assembly; however, the Government restricted this right in practice. Until August 18, groups that wished to hold demonstrations or rallies were required by law to submit a notice of their intent to do so to the Ministry of Security or the Ministry of Interior 48 hours before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. Nevertheless, the Guei Government often denied the opposition permission to meet in public outdoor locations. On August 18, the Minister of Security and the Minister of the Interior further tightened the restrictions on public demonstrations. Groups were required to have authorization from both Ministries to hold a demonstration, and the authorization must be requested in writing 3 days in advance of the event. Even if authorization is granted, it later can be revoked. Gbagbo's Government retained the restrictions on public demonstrations; authorization still must be requested in writing 3 days in advance.

For extended periods during the year, the Guei Government banned mass events and political meetings. On February 22, the Government issued a ban on political mass meetings and demonstrations until further notice. The ban was lifted in May after publication of the new constitutional text and electoral code. Initially parties and organizations abided by these bans to allow the transitional military regime an opportunity to organize. However, as the year progressed, opposition parties and other groups attempted to hold demonstrations. The Guei Government often refused to permit these demonstrations and sometimes prevented them by force. Nevertheless, during and after the presidential and legislative elections, several mass events and political meetings took place.

On July 28, the Ministry of the Interior forbade Ouattara and the RDR from holding a press conference announcing their party platform for the upcoming elections. Officials stated that the official opening of the presidential campaign had not yet begun, and thus a political meeting could not take place; however, the FPI and the PDCI were allowed to hold installation ceremonies for their presidential candidates at that time. In September the RDR was allowed to hold their installation ceremony for Ouattara.

In August and early September, the major political parties and General Guei generally ignored the new electoral code's ban on campaigning until 15 days before the election, which was scheduled for September 17. However, on September 7, following the postponement of the presidential election until October 22, Minister of the Interior Grena Mouassi banned all election meetings until the official opening of the campaign; the definition of meeting changed several times. For example, groups who supported Guei's candidacy were allowed to meet, assemble, and put up public posters.

On August 24, the Guei Government refused to allow female members of a coalition of opposition groups known as the Forum to march in protest of General Guei's presidential candidacy. The Minister of Security Palenfo stated that the refusal was due to security concerns because another group was scheduled to demonstrate at the same time; however, observers believe that General Guei had forbidden any marches against his candidacy.

After the alleged assassination attempt on General Guei on September 18 (see Sections 1.a., 1.b., 1.d., and 1.e.), the Interior Minister extended the ban on demonstrations and political activity to include all meetings and gatherings except for meetings of party leaders at party headquarters.

Police repeatedly used excessive violence to break up demonstrations and gatherings. On July 31, gendarmes and military forces forcibly prevented a rally in support of French policy for inclusive elections in front of the French Embassy. Security forces beat and abused rally participants and a journalist and dispersed the crowd using rifle butts and tear gas (see Sections 1.c. and 2.a.). The majority of protesters at the demonstration were RDR supporters. On July 28 and 29, the Guei Government allowed and even encouraged demonstrations by its supporters against the French position. On September 9, gendarmes used tear gas to disperse a crowd of RDR supporters in Abidjan (see Section 1.c.). The supporters had gathered to attend an RDR meeting, not knowing that the CNSP had declared the meeting illegal the previous evening and had cancelled the event.

Police forcibly disrupted some demonstrations surrounding the October presidential elections and killed or injured hundreds of persons (see Sections 1.a. and 1.c.). When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

Following the November 30 Supreme Court announcement of the disqualification of Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to MIDH, 37 persons were killed during clashes with the military and gendarmes, including 19 by gunshot and 2 by torture; several hundred persons were injured; 840 were rounded-up and detained; and several disappeared and still were not found by year's end (see Sections 1.a., 1.b., 1.c., and 1.d.).

On April 26, the military Government repealed the 1992 Antivandalism Law that held organizers of a march or demonstration responsible if any of the participants engaged in violence. The LIDHO, a leading civil rights NGO, and all major opposition parties criticized the law as unduly vague and as one that imposed punishment on some persons for the crimes of others.

The new Constitution provides for freedom of association and allows the formation of political parties, and the Government generally respects this right in practice.

The new Constitution states that all parties must respect the laws of the Republic, including the requirement that all organizations be registered before commencing activities. In order to obtain registration, political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution. Before the December 1999 coup, there were 102 legally recognized political parties, of which 3 were represented in the National Assembly. At year's end, there were 106 parties; following the coup, some parties splintered or were formed to support the candidacy of General Guei. There were no reports that the Guei Government denied registration to any group, nor were there reports that the Gbagbo Government denied registration to any group.

The new Constitution also prohibits the formation of political parties along ethnic or religious lines.

*c. Freedom of Religion.*—The new Constitution provides for freedom of religion, and both the Guei Government and the Gbagbo Government generally respected this right in practice. There is no state religion; however, for historical as well as ethnic reasons, the Government informally favors Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a much stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among the Muslim population. After assuming power following the coup, General Guei indicated that one of the goals of the transition Government was to end this favoritism and put all of the major religious faiths on an equal footing. In practice the Guei Government did not take steps to bring this about. In November the Gbagbo Government announced steps to bring religious groups into the national dialogue and included religious representatives on a national commission to promote reconciliation.

The Government establishes requirements for religious groups under a 1939 French law. All religious groups wishing to operate in the country must submit to the Ministry of the Interior a file including the group's by-laws, the names of the founding members, the date of founding (or date that the founder received the revelation of his or her calling), the minutes of the general assembly, the names of members of the administrative board, and other information. The Interior Ministry investigates the backgrounds of the founding members to ascertain that the group has no politically subversive purpose. However, in practice the Government's regulation of religious groups generally has not been unduly restrictive since 1990, when

the Government legalized opposition political parties. Although nontraditional religious groups, like all public secular associations, are required to register with the Government, no penalties are imposed on a group that fails to register. In practice registration can bring advantages of public recognition, invitation to official ceremonies and events, publicity, gifts, and school subsidies. No religious group has complained of arbitrary registration procedures or recognition. The Government does not register traditional indigenous religious groups.

The Catholic Church began to operate community radio stations in 1998, and on April 21, 1999, the Government authorized Muslims to operate a similar station; however, no Muslim radio station had begun operations by year's end (see Section 2.a.).

The Government does not prohibit links to foreign coreligionists but informally discourages connections with politically radical fundamentalist movements, such as Islamic groups based in Iran and Libya.

Some Muslims believe that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (see Section 5). Due to the tense political situation in the country and the ethnic divisions along which political party lines are drawn, northern Muslims sometimes are scrutinized more closely in the identity card process. As these northern Muslims share names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes are accused wrongly of attempting to obtain nationality cards illegally in order to vote. This creates a hardship for a disproportionate number of Muslims.

In May the Guei Government warned the imam leaders of the Muslim community, whom Guei believed to be supporters of Ouattara, to refrain from political discourse in their sermons. The Guei Government claimed the imams had been jeopardizing security with sermons that were too charged politically. In May, June, and July during travels to various regions in the country, General Guei continually asked imams and other Muslim leaders to stay out of politics. For example, on July 21, the CNSP briefly detained and questioned CNI President El Hadj Idriss Kone Koudouss; the CNSP warned him not to advise Muslims to vote against the new Constitution in his July 23 sermon.

Security forces and the Government summoned Islamic leaders for questioning on several occasions and searched their homes based on suspicions that these leaders were plotting civil unrest during the year (see Section 1.d.). Muslims say that such acts by the Government are an attempt to make the Muslim community a "scapegoat" for the country's problems.

On December 5 after youths set fire to a mosque in Abidjan's Abobo district, the BAE used tear gas and beat Muslims who had gathered to inspect the damage (see Section 5). When imam Bassama Sylla attempted to intervene, the police stripped him and detained him (see Section 1.d.). Police also entered at least two other mosques in Abobo that day and detained persons inside.

In December 1999, the new military regime requested that the Islamic Superior Council, an organization of imams that was seen as politically active and supportive of the previous regime, disband. The president of the council, Moustapha Diaby, did not oppose this demand, and the council ceased its operations. In March the Government allowed the council to resume its activities.

In April local governments closed some Harrist churches to prevent an escalation of intrareligious violence (see Section 5). The Bingerville church had been closed in April 1999 following an appeals court decision, but a decision from the judicial chamber of the Supreme Court reopened it in December 1999.

In July the Government allowed Felix Tchotché Mel, a Harrist preacher, to reopen his church in Bingerville.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The new Constitution does not provide specifically for these rights, and both the Guei and Gbagbo Governments on occasion restricted these rights in practice. The Government generally does not restrict internal travel. However, police, gendarmes, and water, forestry, and customs officials commonly erect and operate roadblocks on major roads, where they demand that passing motorists or passengers produce identity and vehicle papers and regularly extort small amounts of money or goods for contrived or minor infractions. The Guei and Gbagbo governments imposed curfews six times during the year during periods of political upheaval.

Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. However, the Government severely restricted political party leaders from traveling outside of the country.

On May 16, the CNSP announced in a communique that all overseas travel by political party leaders must be approved by the CNSP. The CNSP justified this action by saying it would allow it to "better manage" the period leading up to the July

23 referendum. On May 23, the CNSP refused to allow the FPI Secretary General, Abou Drahamane Sangare, to go to Algeria for the Socialist Forces Front Congress. Authorities also prevented Morifere Bamba, the leader of the Party for Progress and Socialism (PPS), from leaving the country. On July 25, after the referendum, the CNSP announced that the requirement to seek CNSP authorization to travel outside the country was no longer in force; however, on July 27, airport security forces prevented Ouattara from boarding a flight to Paris. On July 29, the CNSP reinstated restrictions on political party leaders leaving the country.

On September 23, General Guei refused to grant political party leaders permission to leave the country to attend the special summit of African leaders on Cote d'Ivoire, citing the preelection travel ban. General Guei did not attend the event but sent Prime Minister Seydou Diarra and Foreign Minister Charles Gomis to represent the Government. President Gbagbo lifted the international travel ban shortly after taking office.

On February 23, airport police prevented Tape Koulou, Publication Director for the pro-Bedie daily newspaper *Le National*, from boarding a flight to France. The airport police who prevented the boarding stated that they were directed to do so by higher authorities.

There are no known cases of revocation of citizenship. The citizenship issue was debated extensively during the year; many citizens challenged the legitimacy of other voters' claims to citizenship. The public debate over Ouattara's citizenship continued at year's end. On November 30, the Supreme Court's Constitutional Chamber declared him ineligible for the legislative seat in his ancestral home of Kong (see Section 3.). Following that decision, thousands of RDR supporters demonstrated in Abidjan and northern cities (see Sections 1.a., 1.c., and 2.b.).

The country has not enacted legislation to provide refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The only domestic statute in force is the 1990 immigration law, which includes refugees without specifying a separate legal status for them. Nevertheless, the Government respects the right to first asylum and does not deny recognition to refugees, either by law or custom. There were approximately 120,000 refugees in the country at year's end, at least 100,000 of whom are Liberian. Following the end of the Liberian civil war, an estimated 150,000 to 200,000 refugees returned to Liberia either under U.N. auspices or independently. The remaining refugees were from Sierra Leone and the Great Lakes region, including Rwanda and Burundi.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) in health, education, and food distribution programs for refugees. In January International Rescue Committee (IRC) staff identified sanitation problems and severe overcrowding in schools at the Niela Camp.

On December 23, the Nigerian Government announced that it had begun repatriating its citizens who were subjected to repeated harassment by Ivoirian authorities (see Section 1.c.). Approximately 300 Nigerians stated that Ivoirian authorities regularly tore up their identity cards and stole goods. The Nigerians also accused the police of encouraging groups of youths to steal for them. Police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers.

There were no reports that persons who had a valid claim to asylum or refugee status were repatriated involuntarily to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The new Constitution provides for the right of citizens to change their government peacefully through democratic means; however, presidential elections held on October 22 were marred by significant violence and irregularities, including a suspension of the vote count for several days.

The presidential elections followed several postponements and a controversial Supreme Court decision on October 6 disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. The new Constitution includes language that is considered more restrictive than the Electoral Code of the previous Constitution on the subject of parentage and eligibility requirements for candidates. Ouattara was excluded from running in the Presidential and the National Assembly elections following the Supreme Court's October 6 and November 30 rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. Furthermore the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. PDCI candidate and former Minister of State for Interior and Decentralization Emile Constant Bombet was disqualified because



he faced outstanding charges of abuse of office from when he was Minister. Former President Bedie was disqualified for not submitting a proper medical certificate.

Following the Supreme Court decision, most international election observers decided not to participate in the election. As a result, there were only 75 observers nationwide, 29 of whom were EU observers who originally were there assessing the overall security situation. The nationwide participation rate was 33 percent, and some polling places, especially in the North, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, during the afternoon of October 23, soldiers and gendarmes entered the National Elections Commission (CNE) to stop the count. They expelled journalists and disrupted television and radio broadcasting. On October 24, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters began protesting almost immediately, demanding a proper vote count. Mass demonstrations continued until October 26 and resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.). In the early afternoon on October 25, national radio and television reported that Guei had stepped down.

When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the legislative elections (see Sections 1.a., 1.c., and 2.b.).

The National Assembly election took place on December 10 and was marred by violence, irregularities, and a very low participation rate. The FPI won 96 out of 225 seats in the National Assembly; the PDCI, the former ruling party, won 77 seats; independent candidates won 17 seats; and 4 other parties won 7 seats. Largely because of the RDR boycott of the elections to protest against the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33.12 percent. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of elections officials.

Before the adoption of the new electoral code, the number of registered voters in districts of the National Assembly, each of which elects one representative, varied by as much as a factor of 10; these inequalities systematically favored the ruling party. In August the Guei Government announced a fairer redistribution of constituencies. Before the December legislative elections, the Gbagbo Government completed the redistribution of electoral constituencies in line with the 1998 national census.

The Constitution was drafted by the CNSP-created Constitutional and Electoral Consultative Commission (CCCE), which was made up of members of major political parties and civil society; however, the CNSP made changes to the CCCE's text prior to submitting the draft Constitution to a referendum. The Constitution was adopted in a referendum held on July 23 and 24 by 86 percent of those voting; the Constitution of the Second Republic was implemented formally on August 4. The referendum was supervised by a quasi-independent commission that included representatives from some government ministries, civil society, and political parties.

The new Constitution and Electoral Code provide for legislative elections every 5 years and presidential elections every 5 years by a single and secret ballot. The new Constitution also continued the tradition of a strong presidency.

General Guei and the CNSP dominated the governing of the country for most of the year, even though a largely civilian cabinet was put in place in January. General Guei changed the make-up of this cabinet four times during the year. The National Assembly remained suspended until the December elections, but the Supreme Court continued to function.

Upon assuming power in October, Gbagbo sought to include representatives from all political parties in his government. Except for the Republican Rally (RDR), which decided not to accept ministerial posts, most major political parties were represented in the new Government, which is made up of 24 ministers including the Prime Minister. Nineteen ministers are members of the FPI; three ministers are members of the PDCI, the former ruling party, and two ministers are members of the PIT, a minor left-wing party.

Citizens' ability to elect sub-national governments is limited. The State remains highly centralized. Sub-national government entities exist on several levels, and include 19 regions, 58 departments, 230 sub-prefectures, and 196 communities. However, at all levels except for communities, which are headed by mayors elected for 5-year terms, and traditional chieftaincies, which are headed by elected chiefs, all sub-national government officials are appointed by the central Government. Sub-na-

tional governments generally must rely on the central Government for much of their revenue, but mayors have autonomy to hire and fire community administrative personnel.

Although there are no legal impediments to women assuming political leadership roles, women are underrepresented in government and politics. Women held 3 of the 26 ministerial positions in the Guei transition Government, and Gbagbo's cabinet includes 5 women. There are three women on the Supreme Court. At year's end, there were 17 women in the National Assembly. In January 1999, Henriette Dagri Diabate was elected to the post of Secretary General of the opposition RDR; she became the first woman to lead a political party.

There are no legal impediments to the exercise of political rights by any of the more than 60 ethnic groups in the country. General Guei increased the number of governmental posts filled by members of his ethnic group, the Yacouba, and other western ethnic groups. The Baoule, to which both former Presidents Houphouët-Boigny and Bedie belonged, and other Akan ethnic groups that have tended to support the PDCI, were overrepresented previously in both mid-level and low-level appointed positions throughout the public sector.

However, President Gbagbo sought improved ethnic and regional balance in the Government by including members from seven different ethnic groups. Nine members of Gbagbo's first cabinet were from the Krou group in the western provinces from which Gbagbo comes. There were three ministers from the North (Mande and Senoufo). The remainder mostly were from the center and the east (Baoule). Three Ministers in Gbagbo's Cabinet were Muslims.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Both the Guei Government and the Gbagbo Government allowed inquiry and reporting by human rights NGO's. The LIDHO, a domestic human rights NGO formed in 1987 and recognized by the Government in 1990, investigated alleged violations of human rights actively and issued press releases and reports, some critical of the Government. Other local NGO's also monitored government human rights abuses and published press releases critical of the Government's record. For example, the MIDH investigated the December demonstrations following Ouattara's disqualification from legislative elections (see Sections 1.a., 1.c., 2.b., and 3). The MIDH stated that the Government had been accommodating to their investigation.

The Government cooperated with international inquiries into its human rights practices. Following a visit by Amnesty International Secretary General Pierre Sané in May, General Guei formally disbanded the "parallel forces" upon Sané's advice. President Gbagbo invited several international human rights groups, including HRW and the International Federation of Human Rights, to conduct independent investigations into the mass grave at Yopougon (see Section 1.a.).

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The new Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupy a subordinate role in society. Societal ethnic discrimination and division are problems.

*Women.*—Representatives of the Ivoirian Association for the Defense of Women (AIDF) state that spousal abuse (usually wife beating) occurs frequently and often leads to divorce. A July 1998 AIDF survey found that many women refused to discuss their experience of domestic violence; of women who completed the AIDF interview process, nearly 90 percent had been beaten or struck on at least one occasion. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to such violence, and neighbors often intervene in a domestic quarrel to protect a woman who is the known object of physical abuse. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted, or the victim lodges a complaint, in which case they may initiate criminal proceedings. The Government does not collect statistics on rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond what is contained in the civil code. In December 1998, the National Assembly enacted the Law Concerning Crimes against Women, which forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse.

Women's advocacy groups have protested the indifference of authorities to female victims of violence and called attention to domestic violence and female genital mutilation (FGM). The groups also reported that women who are the victims of rape or domestic violence often are ignored when they attempt to bring the violence to the attention of the police. In July 1999, the AIDF launched a petition drive to pres-

sure the authorities to enact and enforce laws against domestic violence, especially spousal abuse; 18,000 petitions were collected by the end of 1999. The AIDF also is active in opposing forced marriage and advancing the rights of female domestic workers. On July 17, AIDF established a national committee with members of national and international institutions in Abidjan to fight violence against women. The committee's objective is to define programs and actions to reduce social inequalities and to make recommendations on combating violence against women. One month after establishing the committee, the Minister of Women's Affairs and Family, Constance Yai, held a workshop on developing strategies to fight violence against women.

The new Constitution and the law prohibit discrimination on the basis of sex; however, women occupy a subordinate role in society. Government policy encourages full participation by women in social and economic life; however, there is considerable informal resistance among employers to hiring women, whom they consider less dependable because of their potential pregnancy. Women are underrepresented in some professions and in the managerial sector as a whole. Some women also encounter difficulty in obtaining loans, as they cannot meet the lending criteria mandated by banks. These criteria include such elements as title to a house and production of profitable cash crops, specifically coffee and cocoa. Women in the formal sector are paid on an equal scale with men. In rural areas, women and men divide the labor, with men clearing the land and attending to cash crops like cocoa and coffee, while women grow vegetables and other staples and perform most menial household tasks.

*Children.*—Primary education is compulsory, but this requirement is not enforced effectively. Primary education is free but usually ends at age 13. Poverty causes many children to leave the formal school system when they are between the ages of 12 and 14 if they fail secondary school entrance exams. Students who pass entrance exams may elect to go to free public secondary schools. Secondary school entrance is restricted by the difficulty of the exam, which changes each year, and the state's ability to provide sufficient spaces for all who would like to attend. Many children leave school after only a few years. According to UNICEF statistics, 79 percent of males and 58 percent of females of primary school age reportedly were enrolled in the period between 1990 and 1996; more recent statistics were not available.

There is a parental preference for educating boys rather than girls, which is noticeable throughout the country but is more pronounced in rural areas; however, the primary school enrollment rate for girls is increasing in the northern part of the country. The Minister of National Education stated that almost one-third of the primary and secondary school dropout rate of 66 percent was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. In January 1998, in an effort to combat low enrollment rates for girls, the Government instituted new measures against the statutory rape of students by teachers.

The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger is a 1- to 3-year prison sentence and a fine of \$140 to 1,400 (FCFA 100,000 to 1,000,000).

There are large populations of street children in the cities. *Fraternite Matin*, the government daily newspaper, reported in April that the number of street children in the country is 200,000, of which 50,000 are in Abidjan. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to the AIDF and press reports (see Section 6.d.).

In September 1998, an Abidjan daily newspaper reported allegations by a 14-year-old boy that he had been sodomized repeatedly over many months by a network of pedophiles that included former Minister of Economic Infrastructure Ezan Akele and a foreign ambassador. Leading human rights organizations, including the LIDHO, demanded that the alleged pedophiles not be shielded from prosecution. In January 1999, judges released six of the eight accused in this matter on provisional liberty, and the trial court dismissed the suit in March 1999. The boy's parents have appealed the dismissal, and the appeal still was pending at year's end.

According to a UNICEF study, approximately 15,000 Malian children were trafficked and sold into indentured servitude on Ivoirian plantations in 1999, and observers believe that the rate of trafficking remained approximately the same during the year (see Sections 6.c., 6.d., and 6.f.).

The Ministries of Public Health and of Employment, Public Service, and Social Security seek to safeguard the welfare of children, and the Government also has encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children. In 1996 the Government announced a series of measures aimed at re-

ducing the population of street children. These steps include holding parents legally and financially responsible for their abandoned children and the development of training centers where children can learn a trade; however, this is not abided to in practice. One of these centers opened in Dabou in July 1999.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. Until 1998 there was no law that specifically prohibited FGM, which was considered illegal only as a violation of general laws prohibiting crimes against persons. However, the December 1998 Law Concerning Crimes against Women specifically forbids FGM and makes those who perform it subject to criminal penalties of imprisonment for up to 5 years and a fine of roughly \$650 to \$3,500 (360,000 to 2 million FCFA francs); double penalties apply for medical practitioners. FGM is practiced particularly among the rural populations in the north and west and to a lesser extent in the center. The procedure usually is performed on young girls or at puberty as part of a rite of passage; it is done almost always outside modern medical facilities, and techniques and hygiene do not meet modern medical standards. According to the World Health Organization and the AIDF, as many as 60 percent of women have undergone FGM. Since the law on FGM was enacted in December 1998, six girls in Abidjan's Port Bouet district were mutilated, and police and social workers neither acted to prevent the mutilation nor to arrest the girls' parents. In response the Minister of Solidarity and the Promotion of Women organized numerous seminars and informational meetings on FGM concentrating on regions where it is practiced widely. The seminars targeted police, administrative authorities, and traditional political and religious leaders.

As a result of the active campaign against FGM undertaken by the Government and NGO's, several excisors were arrested in the north for performing excisions. In prior years, arrests were made only following the death of the FGM victim. On May 6, two excisors from Guinea were arrested in Abobo and imprisoned following the death of a young Burkinabe girl who had been excised. On July 12, police arrested two Ivoirian women in the northern city of Kongasso and detained them in Seguela for practicing FGM on girls between the ages of 10 and 14.

Women's advocacy organizations continued to sponsor campaigns against FGM, forced marriage, marriage of minors, patterns of inheritance that exclude women, and other practices considered harmful to women and girls. Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Sections 6.c., 6.d., and 6.f.).

*People with Disabilities.*—In October 1998, the National Assembly enacted a law that requires the State to educate and train disabled persons, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by the disabled. The law covers individuals with physical, mental, visual, auditory, and cerebral motor disabilities. The Government is working to put these regulations into effect; however, the law had not been implemented fully by year's end. Wheelchair accessible facilities for the disabled are not common, and there are few training and job assistance programs for the disabled.

Laws also exist that prohibit the abandonment of the mentally or physically disabled and enjoin acts of violence directed at them.

Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less common than in the past. Disabled adults are not specific targets of abuse, but they encounter serious difficulties in competing with non-disabled workers. The Government supports special schools, associations, and artisans' cooperatives for the disabled, but physically disabled persons still beg on urban streets and in commercial zones.

*Religious Minorities.*—Relations between the various religious communities generally are amicable; however, there is some societal discrimination against Muslims and followers of traditional indigenous religions.

The country's Islamic communities are subject to a great deal of societal discrimination. Some non-Muslims have opposed construction of mosques, such as the new mosque in Abidjan's Plateau district, because the Islamic duty to give alms daily may attract beggars to neighborhoods containing mosques. Some non-Muslims also object to having to hear the muezzins' calls to prayer. Some persons consider all Muslims as foreigners, fundamentalists, or terrorists. Muslim citizens often are treated as foreigners by their fellow citizens, including government officials, because most Muslims are members of northern ethnic groups that also are found in other African countries from which there has been substantial immigration into the country. Muslims also frequently were discriminated against because of ethnic origin or political leanings. Many Muslims are northerners and tended to support the presidential candidacy of Ouattara.

During the October demonstrations, FPI militants burned several mosques in the Abidjan's Yopougon district in retaliation, for RDR militants burning churches (see Sections 1.a., 1.c., and 3). On October 26 and again in early December, rival political groups burned a number of churches and mosques across the country. On December 5, youths set fire to a mosque in Abidjan's Abobo district.

Followers of traditional indigenous religions are subject to societal discrimination. Many leaders of religions such as Christianity or Islam look down on practitioners of traditional indigenous religions as pagans, practitioners of black magic, or human sacrifice. Some Christians or Muslims refuse to associate with practitioners of traditional indigenous religions. The practices of traditional indigenous religions often are shrouded by secrecy, and include exclusive initiation rites, oaths of silence, and taboos against writing down orally transmitted history. However, there have been no reports of human sacrifice in the country since well before independence. Although the purported practice of black magic or witchcraft continues to be feared widely, it generally is discouraged by traditional indigenous religions, aspects of which commonly purport to offer protection from witchcraft. Traditional indigenous religions commonly involve belief in one supreme deity as well as lesser deities or spirits that are to be praised or appeased, some of whom in some religions may be believed to inhabit or otherwise be associated with particular places, natural objects, or manmade images. However, many practitioners of traditional indigenous religions are unaware of societal discrimination and have not complained.

Conflicts between and within religious groups have surfaced occasionally. Members of the Limoudim of Rabbi Jesus, a small Christian group of unknown origin, have criticized and sometimes attacked other Christian groups, allegedly for failing to follow the teachings of Jesus. In January 1998, a conflict over land erupted between Catholics and Assembly of God members in Abidjan's Yopougon district. The same area was the scene of a land conflict between Baptists and their neighbors in August 1998; however, there were no reports of such conflicts during the year.

The Celestial Christians are divided because of a leadership struggle, as are the Harrists, who have fought on occasion. In March due to the internal struggle in the Harrist Church, clergy leader Barthelemy Akre Yasse struck from the church rolls Harrist National Committee president Felix Tchotche Mel for insubordination. This battle for church leadership at the national level led to violent confrontations between church members at the local level. In April local governments, in order to prevent further violence, closed some Harrist churches (see Section 2.c.).

Prior to the December 1999 coup, the Islamic leadership was fractured by disagreement between factions, two of which (the Superior Islamic Council and the Ouamma Islamic Front) were allied with the former ruling party, and two of which (the National Islamic Council and the Islamic Confederation for the Development of Cote d'Ivoire) were unaligned politically and had sought to create Islamic organizations that enjoy the same freedom from unofficial state oversight and guidance that Catholic organizations long have enjoyed. Following the December 1999 coup, the organizations began to work together.

*National/Racial/Ethnic Minorities.*—The country's population of approximately 15.3 million (1998 Census) is ethnically diverse. The citizenry—not including the large noncitizen part of the population—is made up of five major families of ethnic groups. The Akan family made up more than 42 percent of the citizenry; the largest Akan ethnic group, and the largest ethnic group in the country, is the Baoule. Approximately 18 percent of citizens belong to the Northern Mande family, of which the Malinke are the largest group. Approximately 11 percent of citizens belong to the Krou family, of which the Bete are the largest group. The Voltaic family accounts for another 18 percent of the population, and the Senoufou are the largest Voltaic group. Approximately 10 percent belong to the Southern Mande family, of which the Yacouba are the largest group. Major ethnic groups generally have their own primary languages and their non-urban populations tend to be concentrated regionally.

At least 26 percent of the population is foreign, of which 95 percent are other Africans. Most of the Africans are from neighboring countries such as Mali and Burkina Faso and may not claim citizenship legally. Birth in Ivoirian national territory does not confer citizenship. The ethnic composition of the whole population, including these noncitizens, is quite different from that of the citizenry alone.

All ethnic groups sometimes practice societal discrimination on the basis of ethnicity. Urban neighborhoods still have identifiable ethnic characteristics, and major political parties tend to have identifiable ethnic and regional bases, although inter-ethnic marriage increasingly is common in urban areas.

Some ethnic groups include many noncitizens, and their share of the electorate would be increased by enfranchising noncitizens. Other ethnic groups include few noncitizens, and their share of the electorate would be decreased by enfranchising

noncitizens. There are societal and political tensions between these two sets of ethnic groups. This cleavage corresponds to some extent to regional differences; ethnic groups that include many noncitizens are found chiefly in the north. Members of northern ethnic groups that are found in neighboring countries as well as in the country often are required to document their citizenship, whereas members of historically or currently politically powerful ethnic groups of the south and west reportedly do not have this problem. Police routinely abuse and harass noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflects the frequently encountered conviction that foreigners are responsible for high crime rates, as well as concern for Ivorian national identity and identity card fraud.

The new Constitution includes a restrictive presidential eligibility clause that not only limits presidential candidates to those who can prove that both parents were born in the country, but also states that a candidate can never have benefited from the use of another nationality.

Election law changes in 1999 also limited presidential candidates to those who could prove that both parents were born in the country. Because of this restriction, Ouattara was considered ineligible for both presidential and legislative elections during the year.

Differences between members of ethnic groups are a major source of political tensions and since 1997 have erupted repeatedly into violence. Many members of the Baoule group, which long has inhabited the east-central region, have settled in towns and on previously uncultivated land in other areas, especially in more westerly regions. In the past, the Government generally has viewed use of land as conferring *de facto* ownership of land. However, in December 1998, the National Assembly enacted the new Land Use Law, which establishes that land title does not transfer from the traditional owner to the user simply by virtue of use.

General Guei initially included many members of the previously disenfranchised northern and western ethnic groups in the transition Government, but over the course of the year he excluded northerners from the power structure. Guei filled an increasing number of government positions with members of his ethnic group, the Yacouba, and he brought a number of southern PDCI officials back into the Government. During the Bedie regime, members of the Baoule ethnic group dominated the PDCI and held disproportionate numbers of positions in the public sector, including the security forces, the civil service, and state-owned businesses (see Section 3). Gbagbo's cabinet, which took office on October 27, included three Muslims and three northerners, most significantly the Minister of State for Foreign Affairs.

Tensions continued in the southwest between Kroumen and settlers from Burkina Faso, many of whom were born in the region or have lived in the region for up to 30 years. The most significant violence began in late August, then continued in September and October. In August and September, fighting in the villages of Trahe and Heke (Grand Bereby) resulted in at least 13 deaths. In October fighting in Trahe and Heke resulted in another five deaths. Fighting between August and October drove approximately 2,500 persons from their homes, including citizen Baoules and Kroumen who were caught in the battles. In November 1999, approximately 12,000 Burkinabe were forced to return to Burkina Faso as a result of land battles. Although some of those who left had returned by year's end, the majority remain p-

cluding being underpaid, working in dangerous job conditions, and lack of safety concerns.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall (see Section 1.c.).

Public and private school teachers went on strike several times during the year to protest lack of pay raises and perceived government apathy to their demands. Public teachers, especially those hired under a 1991 law that cut starting salaries in half, demanded that the new Government fulfill promises made during the Bedie regime to raise salaries and improve benefits. Guei accepted most of their demands and agreed to implement the wage increases in 2001. President Gbagbo repeated these promises.

In March private teachers also organized a series of strikes to protest nonpayment of salaries. In November six private school teachers went on a hunger strike to protest that their pay was not competitive with their public school counterparts. In December the Government offered to give the six private school teachers \$7,000 (500,000 FCFA) each.

In February the union of employees of the company BlohornUnilever attempted to negotiate a reduction in the substantial difference in salary between foreign workers (especially European) and those hired locally. Complaining of what workers called "Salary Apartheid," union leaders called a 72-hour strike after talks failed. The strike ended when management promised to "look into the issue;" however, no improvements had been made by year's end.

In August security guards assigned to a sub-prefecture in Abidjan and radio technicians in the Ministry of the Interior and Decentralization went on strike over lack of benefits and a set salary of \$90 (62,000 FCFA) a month for workers regardless of work experience and length of service. Instead of negotiating with the workers, Interior Minister Grena Mouassi replaced them.

Minibus owners and drivers union went on strike for 1 day on November 27 in response to gendarmes' abuse of some minibus drivers (see Section 1.c.). Truck drivers went on strike for 48 hours in November and obtained the arrest of the gendarme who had shot at a colleague. The gendarme's trial started November 28 but had not been completed by year's end.

Unions are free to join international bodies.

*b. The Right to Organize and Bargain Collectively.*—The new Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements in effect are in many major business enterprises and sectors of the civil service. In most cases in which wages are not established in direct negotiations between unions and employers, salaries are set by job categories by the Ministry of Employment and Civil Service. Labor inspectors have the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of anti-union discrimination.

Members of the military intervened directly in labor disputes, sometimes arresting and intimidating parties (see Section 1.e.).

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced labor is prohibited by law; however, the International Labor Organization's Committee of Experts in its 1996 annual report questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. Legislation exists allowing inmates to work outside of prison walls; however, because of a lack of funds to hire warden guards to supervise the inmates, the law often is not invoked. In April the NGO Doctors without Borders funded a project in which inmates were hired to improve the sanitation system in their prison. Although it did not finance the project, the Government did permit the prisoners to receive a salary for their work.

The law prohibits forced and bonded child labor; however, the Government did not acknowledge the problem until recently and does not enforce this prohibition effectively (see Section 6.d.). Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforces this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often work on family farms, and some children routinely act as vendors, shoe shiners, errand boys, car watchers, and washers of car windows in the informal sector in cities. There are reliable reports of some use of children in "sweatshop" conditions in small workshops. Chil-

dren also work in familyoperated artisanal gold and diamond mines. Primary education is mandatory but far from universally enforced, particularly in rural areas (see Section 5). Since 1998 the Government has tried to develop special technical and vocational programs for those expelled from school at an early age. Some technical and vocational programs began operations in March and April; at year's end, it was not clear if they would be successful.

Although the Government prohibits forced and bonded child labor, it does not enforce this prohibition effectively. Children regularly are trafficked into the country from neighboring countries and sold into forced labor. There was widespread abuse of foreign children for forced labor on agricultural plantations (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Government administratively determines monthly minimum wage rates, which last were adjusted in 1996. President Gbagbo promised an overall pay raise, as did General Guei; however, no such raises had been granted by year's end. A slightly higher minimum wage rate applies for construction workers. The Government enforces the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. Minimum wages vary according to occupation, with the lowest set at approximately \$52 (36,607 FCFA) per month for the industrial sector, which is insufficient to provide a decent standard of living for a worker and family. The majority of the labor force works in agriculture or in the informal sector where the minimum wage does not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector receive an average of \$1040 (726,453 FCFA) a year.

Through the Ministry of Employment and the Civil Service, the Government enforces a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Those employed in the formal sector generally are protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek is 40 hours. The law requires overtime payment on a graduated scale for additional hours. The Labor Code provides for at least one 24-hour rest period per week.

Government labor inspectors can order employers to improve substandard conditions, and a labor court can levy fines if the employer fails to comply with the Labor Code. However, in the large informal sector of the economy involving both urban and rural workers, the Government's occupational health and safety regulations are enforced erratically, if at all. The practice of labor inspectors accepting bribes is a growing problem, and observers believe that it is widespread. Workers in the formal sector have the right under the Labor Code to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily cannot remove themselves from such labor without risking the loss of their employment.

Labor federations such as Dignite are working to provide some relief to workers when companies fail to meet minimum salary requirements. For example, the sanitary services company ASH continues to pay wages as low as \$15.50 (12,000 FCFA) a month to female employees who work sweeping the streets of Abidjan. According to Dignite, labor inspectors continue to ignore this clear violation of the law. The shipbuilding company Carena discriminates between European engineers who are paid \$11,400 (8 million FCFA) a month, compared with their African colleagues who receive \$114 (80,000 FCFA) a month. Government labor and employment authorities have not responded to these problems.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons, and there were credible reports that it occurs. Since the mid 1990's, media reports have exposed the widespread practice of importing and indenturing Malian boys for field work on Ivoirian plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso are promised easy and lucrative jobs in Cote d'Ivoire, transported across the border, and then sold to other Malians who disperse them throughout the plantations of the central region. These children are forced to work under grueling conditions in the fields and locked at night in crowded sheds, with their clothing confiscated. The Governments of Mali and Cote d'Ivoire confirmed these reports in a joint February press conference with UNICEF. The Government of Mali and UNICEF took steps to halt this trafficking and repatriate the children in Mali; more than 270 Malian children were returned to their families during the year. The extent of this practice is difficult to estimate because many Malian adults also worked on Ivoirian plantations in the same area under difficult conditions.

On February 18, Ivoirian authorities working with the Malian Consul in Bouake repatriated 19 Malian men and children who were working as forced labor on a plantation in the western region of Bangolo. The youngest was 13 years-of-age, al-



though 14 of them were under the age of 20. The police filed criminal charges against the farm owner and the traffickers in February, but at year's end, their trial had not begun.

In August the Governments of Cote d'Ivoire and Mali signed the Bouake agreement, which recognized the need to be more active in repatriating Malian children from Cote d'Ivoire. It is estimated that some 15,000 Malian children work on Ivoirian cocoa and coffee plantations. Many are under 12 years-of-age, sold into indentured servitude for \$140 (100,000 FCFA), and work 12-hour days for \$135 to \$189 (95,000 to 125,000 FCFA) per year. In September authorities intercepted 26 young Malian children and 13 suspected traffickers led by Somboro Moussa on their way to Bouake; the children were repatriated in mid-September. During the year, more than 270 Malian children have been repatriated from Cote d'Ivoire; however, despite the Bouake accord, child trafficking remained a problem. In November the Minister of Employment announced that it plans to continue working with Malian authorities to repatriate child laborers.

Children also are trafficked into the country from countries other than Mali. During the year, there were reports of children, some as young as 6 years-of-age, coming from Benin to work as agricultural laborers and maids. Burkina Faso, Ghana, and Togo are other sources of child labor. The Government discussed a labor agreement with the Government of Togo but had not signed an accord by year's end.

## DJIBOUTI

On April 9, 1999, Djibouti elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling party, the People's Rally for Progress (RPP), won the election with 74 percent of the vote. Opposition candidate Moussa Ahmed Idriss, of the Unified Djiboutian Opposition (ODU), received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results based on election "irregularities" and the assertion that "foreigners" had voted in various districts of the capital; however, international and locally-based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). The RPP has been the ruling power since independence in 1977. Two main ethnic groups hold most political power: Somali Issas (the tribe of the President), and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the FRUD signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to Cabinet positions in 1995. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. Since April the two sides have been negotiating many issues, including a role for this faction of the FRUD in the Government. Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control, and is overseen by the Ministry of Interior. The Ministry of Defense oversees the army. The Gendarmerie Nationale, a police force responsible for the President's security, is an autonomous unit under the presidency. A small intelligence bureau also reports directly to the President. Civilian authorities generally maintain effective control of the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

The country has little industry and few natural resources. Services provide most of the national income. Minor mineral deposits remain mostly unexploited. Only a tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community,

which includes some 8,000 French citizens, is estimated at no more than \$250 per capita annually. Unusually low rainfall caused drought conditions that negatively impacted some of the population. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year.

The Government's human rights record remained poor; although there were a few improvements in some areas, serious problems remain. Although the 1999 presidential elections were considered generally fair, the 1997 parliamentary elections took place amid claims of massive fraud, and the RPP continues to control the political system to suppress organized opposition. Members of the security forces committed extrajudicial killings. There were credible reports that security forces beat, otherwise abused, and at times tortured detainees, and raped female inmates. There were credible reports that police beat protesters. Prison conditions remained harsh. The Government continued to harass and intimidate political opponents, and to arrest and detain persons arbitrarily. Prolonged detention and incommunicado detention remained problems. The judiciary is not independent of the executive and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of the press. The Government limited freedom of assembly, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces committed several extrajudicial killings. On June 24, in a market in Balbala, police shot and killed Daher Guedi Fourreh, the nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR), because they mistook him for a smuggler. Police admitted he was shot by mistake and were investigating the shooting at year's end.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd, killing one person and injuring several others (see Section 2.b.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government (see Sections 1.c., 1.d., and 3); as many as 9 persons were killed and over 10 injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President. A stray bullet also killed a person praying at a nearby Mosque.

The Government has not used landmines since signing the Mine Ban Treaty in 1997; however, the armed wing of the FRUD used landmines during its conflict with the Government. Both parties signed a peace accord in February, and efforts have begun since to demine the areas in which the FRUD operated. FRUD was cooperating with the Government to locate landmines laid in northern areas of the country. Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord (see Section 2.d.), and there were several deaths and injuries from landmine explosions during the year. On February 8, a military vehicle hit a landmine in Obock, killing one soldier and injuring four others. In March in Obock a landmine explosion seriously injured two children.

There were no reports of any action or investigation into the following 1999 cases of extrajudicial killings: The March death of a political detainee in the main prison; the April killings of Abdallah Ahmed Mohamed Rebeh, Moussa Abdallah, Ahmed Yagouri, and Ali Mohamed Ali "Derbi;" the August killing of eight persons in Tadjourah district when an army helicopter exploded; and the September killing of one person by police attempting to arrest Moussa Ahmed Idriss.

There were no reports of any action or investigation into the following 1998 cases of extrajudicial killings: The killing of one man when police shot into a crowd while attempting to make an arrest in downtown Djibouti and the killing of two Afar community elders near Assa Gueyla.

In March 1999, the Paris-based Association for the Respect of Human Rights in Djibouti (ARHRD), and an unidentified citizen presented a complaint in a French court against former President Gouled and President Guelleh alleging human rights violations, including summary executions. The complaint listed a series of human

rights abuses and judicial abuses dating back to 1995. No action was known to have taken place by year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

In May 1999, police detained an Ethiopian guard at a private residence, allegedly because he was an illegal immigrant. The guard's whereabouts still were unknown at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution provides that no one shall be subjected to torture or to other inhuman, cruel, degrading, or humiliating punishments, and torture is punishable by 15 years' imprisonment; however, there continued to be credible reports that police and gendarmes beat, otherwise physically abused, and at times tortured prisoners and detainees.

On October 13, while forcibly dispersing an unruly crowd demonstrating in support of Palestinians, police fired into the crowd injuring several persons (see Sections 1.a. and 2.b.).

On December 7, at least 10 persons were injured during clashes in front of the presidential offices between the police and the gendarmerie (see Sections 1.a., 1.d., and 3).

There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, or stole personal property from some of approximately 5,000 undocumented foreigners arrested and detained on December 21; most of those arrested were Ethiopian (see Sections 1.d., 1.f., 2.d., and 5).

Unlike in the previous year, there were no reports during the year that government security forces in the northern districts denied access to food and water to citizens who refused to declare loyalty to the Government and renounce the FRUD.

Landmine explosions resulted in at least one death and several injuries during the year (see Section 1.a.).

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The April case of Saleh Mohamed Dini who reportedly was tortured while in custody; the April case of approximately 20 Afars reportedly subjected to physical violence while in detention in Obock district; and the May case of a civilian who reportedly was beat after he refused to walk on a landmine. In March 1999, an unidentified citizen in conjunction with the ARHRD presented a claim in a French court against President Guelleh and former President Gouled, alleging that he had been detained arbitrarily and tortured, and had suffered physical and psychological damage as a result. There were no reported developments in the case at year's end.

In previous years, there have been credible reports that security force personnel raped at least 120 Afar women in the northern districts of Obock and Tadjourah (see Section 5). In almost all of the cases, the victims did not press charges due to shame and fear. There were no reported cases of rape during the year, and there were no developments in the 1999 rape case of Zenaba Agoden.

Unlike in the previous year, there were no reports of clashes between unemployed citizens and Ethiopians in various parts of the capital.

In April unknown persons beat and robbed the cousin of Ali Dahan, a FRUD official, several days after the delegation of FRUD leaders returned to the country (see Sections 2.d. and 3); Dahan was residing at his cousin's residence. It still was unknown who the perpetrators were at year's end.

Prison conditions are harsh, and prisons are overcrowded severely. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the approximately 200 prisoners in Gabode prison at year's end were citizens. Children of female inmates under the age of 5 sometimes are allowed to stay with their mothers; authorities say that milk is provided for them. Prisoners reportedly must pay authorities to obtain food. Health care sources reported that prison guards raped female inmates. Women and men are detained separately. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care is inadequate, and the prison infirmary lacks sufficient medication. There are no educational or rehabilitation facilities within the prison. The lack of funding hampers the ability of Ministry of Justice officials to provide even minimal services. In principle juveniles are housed separately from adult prisoners; however, in practice this is not always the case.

In March 1999, Abdi Houfaneh Liban, a 35-year old political prisoner arrested in April 1998, died under unexplained circumstances. Djiboutian human rights groups in France asserted that Abdi's death was caused by harsh living conditions in the Gabode prison. Some opposition supporters believe that Abdi's death might have

been due to poisoning. A foreign journalist who visited the prison shortly after Abdi's death believes that Abdi died after taking incorrect medication. The journalist noted that the prison infirmary was stocked poorly and prisoners often were given incorrect medications.

Conditions at Nagad detention center, where Ethiopians and Somalis are held prior to deportation, also are extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. In March a visiting delegation from the Organization of African Unity (OAU) Human Rights Committee visited Gabode prison. OAU observers stated that the conditions at the prison were desperate. The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—Despite legal protections, arbitrary arrest and detention remained problems. The 1995 Penal Code stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment. Nevertheless, the police occasionally disregarded these procedures, typically arresting persons without warrants, and sometimes detaining them for lengthy periods without charge. The penal code provides for bail and expeditious trial. Incommunicado detention is used.

On February 22, police detained and questioned for 7 hours Jean-Paul Abdi Noel, president of the LDDH, regarding a December 20, 1999, communique in which Abdi alleged government indifference to the populations of the Tadjourah and Obock districts. In March police again detained for 2 hours Abdi in conjunction with the same matter; he was not charged.

On March 6, Abdoufatah Moussa Ahmed, the son of opposition leader Moussa Ahmed Idriss, was sentenced to 3 years' imprisonment and a fine of \$129,980 (23 million DF) for misappropriation of public funds. He had been in provisional detention since June 22, 1999. He was released in April, and his appeal of the sentence was pending at year's end.

On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases (see Section 6.a.). On May 31, police arrested 15 bus drivers and owners in connection with the strike. All were released after 2 days following an agreement to raise bus fares.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest the increased bus fares (see Section 2.b.). All were released after 1 or 2 days.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.f., 2.d., and 5). There were widespread, although unconfirmed, reports that gendarmes and police beat, raped, and stole personal belongings from some of those detained. Many of those detained were deported from the country by year's end.

In April 1999, authorities arrested more than 20 Afars in the Obock district for expressing support for the FRUD. After 4 days in detention in a military camp at Medeho, five men were released, one was detained further, and nine were transferred to a police prison near the capital. The remaining nine were released as a result of an amnesty granted in February (see Section 1.e.).

There were no developments in the 1999 cases of: Abdoufatah Moussa Ahmed, who was rearrested in June 1999 and charged with an economic crime; and Saleh Mohamed Dini, chief of Mabla, who was arrested in April 1999 allegedly for insulting the President. Both remained in detention pending trials at year's end.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in non-political cases, because of interference from the executive branch. The Minister of Justice officially is responsible for human rights.

The judiciary, based on the French Napoleonic code, is composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings are not always respected.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a law

is restricted to civil and family matters. The Government promulgated a new law on judicial organization in August, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice. The law was not implemented by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials are public officially, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not have representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receive assistance from two persons, assessors, who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

Human rights attorney Aref Mohamed Aref and his colleague Djama Amareh Meidal remained disbarred for alleged irregularities in their representation of a client in a 1994 commercial transaction.

On November 29, in honor of Ramadan, the Government announced that the President had signed a decree approved by the Council of Ministers, which granted a general amnesty to all prisoners serving sentences of 2 years or less, and reduced the sentences by 6 months of all prisoners serving sentences of more than 2 years. By year's end, the Government had released 201 prisoners in accordance with the amnesty.

From November 11 to 15, the Government sponsored a series of judicial assessment workshops to analyze the judicial system and to propose recommendations for strengthening the judiciary. The Government invited representatives from all opposition parties (see Section 3); however, some opposition leaders refused to participate because they had been invited in their personal capacity, not as political party leaders. Approximately 150 persons participated in the workshops, and the government-owned media provided coverage of the event. The final workshop report and recommendations had not been completed by year's end.

In February 1998, the Committee for the Support of Political Prisoners (CSPP) was created. In 1999 the CSPP reported that the Government held 52 political prisoners, including 12 relatives of former cabinet director Ismael Guedi Hared who were arrested in October 1998, allegedly for hoarding weapons, and 40 FRUD dissidents who had been handed over by Ethiopian authorities or were FRUD rebels captured in clashes with the army. In March the Council of Ministers approved a law granting amnesty for political crimes committed by the FRUD prior to the signing of the peace accord. In February the Government released all FRUD political prisoners as a condition of the February peace accord; on February 10, the Government released 29 political prisoners, all members of the FRUD, and on February 12, the Government released an additional 18 political prisoners, including 11 followers of Ismael Guedi Hared. There were no remaining political prisoners at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of the family, home, correspondence, and communications; however, the Government infringed on these rights. The law also requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government does not always obtain warrants before conducting such searches, and it reportedly monitors and sometimes disrupts the communications of some Government opponents. On April 16, authorities searched the home and office of the Somaliland representative to Djibouti without a warrant and gave him 3 hours to gather his belongings and leave the country (see Section 2.d.). Unlike in the previous year, there were no reports that authorities harassed the family members of opposition leaders.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 2.d., and 5). Unlike previous searches, police and gendarmes conducted a house to house search for these persons. Traffic into and out of entire neighborhoods was prohibited during the searches. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, at times the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal newspaper, *La Nation*, which expanded publication from weekly to biweekly printings in 1999. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government.

On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference, after they criticized the Government for allegedly interfering in the conference process (see Section 2.d.).

In March the opposition newspapers *Le Renouveau* and *Le Temps* began publishing again following a 6-month ban imposed in 1999 following charges of distributing false information. The newspapers' editors had been arrested in August 1999 after *Le Temps* and *Le Renouveau* reprinted a letter in which the Paris-based FRUD leader Ahmed Dini claimed responsibility for the downing of an army helicopter. Both were released in December 1999 as part of a presidential amnesty.

In April the Government banned the importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican*. The ban remained in effect at year's end.

The Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy. On May 28, the British Broadcasting Corporation (BBC) began "World Service" in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD plan to broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country.

In May the Government allegedly restricted the activities of BBC journalists covering the Somali Conference.

The country has one Internet service provider, which is owned by the Government.

There are no specific laws or criminal sanctions that threaten academic freedom. In general teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

*b. Freedom of Peaceful Assembly and Association.*—The right to free assembly is provided for in the Constitution; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage would-be demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a Government crackdown, refrained from organizing popular demonstrations.

In June the Government refused a request by the ODU to organize a march for peace and democracy in celebration of Independence Day.

On June 3, police detained approximately 160 persons, mostly women and children, for blocking traffic in Djibouti City to protest increased bus fares (see Sections 1.d. and 6.a.).

On October 13, police used teargas to disperse an unruly crowd demonstrating in support of Palestinians in Djibouti City. A few police also fired into the crowd, killing one person and injuring several others.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricts this right in practice. A referendum held in 1993 approved limiting the number of political parties to four; however, this result has not yet been codified into law.

Nonpolitical associations must register and be approved by the Ministry of Interior. The Ministry has delayed registering the Djiboutian Human Rights League, which has been trying to register since May 1999. By year's end, it still was not registered.

*c. Freedom of Religion.*—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respects this right in practice; however, proselytizing is discouraged.

The Qadi is the country's senior judge of Islamic law and was appointed by the Minister of Justice in June 1999. His predecessor was named Minister of State for Charitable and Religious Affairs under the Ministry of Justice—a position that was created in May 1999, when President Guelleh formed his Cabinet and declared that Islam would be a central tenet of his Government. Although Islam is the state religion, the Government imposes no sanctions on those who choose to ignore Islamic

teachings, or practice other faiths. Over 99 percent of the population is Sunni Muslim.

The Government requires that religious groups be registered. There were no reports that the Government refused to register any religious groups.

There is no legal prohibition against proselytizing, but proselytizing is discouraged. On a few occasions, police have questioned members of the Baha'i faith for possible proselytizing activities, but there have been no arrests.

Islamic law based on the Koran is used only with regard to family matters, and is administered by the Qadi. Civil marriage is permitted only to non-Muslim foreigners. Muslims are required to marry in a religious ceremony, and non-Muslim men only can marry a Muslim woman after converting to Islam.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution allows freedom of movement; however, there were instances in which authorities limited this right. In general citizens may travel or emigrate without restriction or interference; however, a judge may order a passport seized for those under judicial surveillance or awaiting trial. In March the Embassy of Djibouti in Paris refused to issue a passport to Ali Dahan, Permanent Representative of the FRUD to the Americas, prior to the return of exiled FRUD leaders to the country. On June 5, the Government refused to issue a passport to Aden Robleh Awaleh, president of the PND, to attend an African Leadership Forum in Nigeria (see Section 3); no passport was issued by year's end. On June 30, airport police prevented Bogor Abdillahi Bogor Moussa, a participant in the Somalia Peace and Reconciliation Conference, from boarding a plane for Puntland, in Somalia. In July the Government returned Aref Mohamed Aref's passport, which authorities had seized in December 1998. In August the Government returned the passport of GDR leader Moumin Bahdon Farah, which it had seized and kept in October 1998 despite a court order to return it.

Customary law, which is based on Shari'a (Islamic law), discriminates against women (see Section 5). Women are not permitted to travel without the permission of an adult male relative.

On April 15, after the Administration of Somaliland, in Somalia, prevented a delegation from the Djiboutian Government to deplane in Hargeisa, the Administration closed its border with Djibouti. On April 16, the Government closed its border with Somalia and expelled the Somaliland representative to Djibouti and his staff in retaliation. On June 22, the Government deported Abdirazak Hadji Soufi and Muridi Aboubaker Mahdi, two delegates attending the Somalia Peace and Reconciliation Conference (see Section 2.a.).

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord, and landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offers first asylum; however, the government committee responsible for determining refugees' status has not met since 1995. While the Government officially does not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR) absent this approval, the refugees are permitted to remain in the country.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. These numbers have increased since January due to the drought in Ethiopia and the Ethiopian-Eritrean war in May. The UNHCR assists 21,000 Somali and 1,000 Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR office in Djibouti City. In May and June, approximately 1,100 Somali refugees, who were living in a camp in Eritrea, fled to a temporary camp in Obock to escape the Ethiopian-Eritrean war. In October UNHCR began a facilitated repatriation of these refugees back to Somalia. All remaining refugees in Obock camp were repatriated, and the camp was closed by year's end.

In May UNHCR repatriated over 1,700 Ethiopian refugees who had fled to the country in 1984–85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still is believed to be high, no figures were available during the year.

There are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 5). Police and gendarmes cordoned off entire neighborhoods and conducted house to house searches for these persons. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. Many of those detained were deported from the country by year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their Government, and citizens exercised this right through a democratic process in presidential elections held in April 1999. RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. ODU candidate Moussa Ahmed Idriss received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All five of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election, citing only minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

In the December 1997 legislative elections, the RPP alliance with the legal FRUD party won all 65 seats. The elections took place without international observers amid opposition claims of fraud.

The RPP, which has been in power since independence in 1977, continues to rule the country. The RPP also continues to control carefully the implementation of the four-party system to suppress any organized opposition. Previous efforts by both the legal and unrecognized opposition parties to unify also floundered due to disagreements among their leaders over who should lead a unified opposition. There is no independent election commission.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members were named to the Cabinet in June 1995, and in May 1999, two new FRUD members were appointed to the Cabinet: A former FRUD military commander was appointed to the Defense portfolio and another FRUD member assumed the Health portfolio. The government-recognized faction of the FRUD was registered as a political party in 1996. On February 7, the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. The two sides were negotiating many issues at year's end, including the role of this branch of the FRUD in the government.

Government harassment of opposition leaders continued to be a problem; however, the number of incidents reportedly decreased during the year. On June 5, Aden Robleh Awaleh, president of the PND, was refused a passport to attend an African Leadership Forum in Nigeria (see Section 2.d.).

On December 7, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government. As many as 9 persons were killed and over 10 others were injured during clashes in front of the presidential offices between the police and the gendarmerie, who were supporting the President (see Sections 1.a. and 1.c.). The coup followed months of nonpayment of police salaries by the Government and rumors that the President had fired Yacin (see Section 6.e.). On December 9, police arrested and detained Yacin and 12 others for attempting to overthrow the President (see Section 1.d.). On December 13, the magistrate in charge of the investigation charged the 13 with conspiracy and breach of state security and cited them with calling on citizens to take up arms illegally, carrying and making use of weapons of war, and damaging public property. The 13 remained in detention at Gabode Prison pending trials at year's end. On December 14, the President replaced Yacin as Police Chief with Colonel Ali Hassan.

Women are underrepresented in government and politics and have been excluded from senior positions in government and in the political parties even though they legally are entitled to participate in the political process. No women served in the



legislature. In May 1999, the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf serves as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high Ministerial posts; however, they are not well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each, which they hold. There also are informal limits on the number of seats for each group in the Parliament.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government does not support the formation of local human rights groups. The Association for the Defense of Human Rights and Liberties (ADDHL), which ceased operations in 1997, briefly resumed activity as a progovernment organization in 1998; however, it has not resumed its investigations into, or criticisms of, human right abuses.

The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal is to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners.

The Djiboutian Human Rights League (LDDH) operated without government interference during the year.

The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children.

The ICRC maintains a small office that is staffed with locally-hired personnel. The ICRC regional representative, who is based in Nairobi, makes quarterly visits.

In March the Government permitted a visit by a delegation of the OAU Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

In October 1999, a presidential decree created the post of government ombudsman, and in November 1999, the first incumbent took office. In August the Government promulgated a new law on judicial organization, included the establishment of a National Committee for the Promotion and Protection of Human Rights; however, the Committee was not established by year's end.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children is weak.

*Women.*—Violence against women exists but reported cases are few. The Government remained concerned about the problem of rape, and the 1995 revised Penal Code includes sentences of up to 20 years' imprisonment for rapists. More than 80 such cases were tried during the year, but only a few led to conviction. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme examples, such as murder. In almost all the cases of the rape of Afar women by soldiers in recent years, the victims did not press charges due to shame and fear (see Section 1.c.).

Women legally possess full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Shari'a (Islamic law), discriminates against women in such areas as inheritance, divorce, and travel (see Section 2.d.). Male children inherit larger percentages of an estate than do female children. Women are not permitted to travel without the permission of an adult male relative. The few women who are educated increasingly turn to the regular courts to defend their interests.

*Children.*—The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. The Government provides public education for free; however, there are

extra expenses that may be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. More than 53 percent of the population is illiterate: Only 32 percent of girls are literate compared with 60 percent of boys. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. Girls made up only 36 percent of all secondary students. In November 1999, the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

It is believed that as many as 98 percent of females age 7 or older have undergone FGM, which is condemned widely by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign only has had a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The Penal Code states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of over \$5,650 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of infibulation has decreased, although no systematic data was available on the problem. U.N. and other experts believe that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Child abuse exists; however, except for FGM, it is not thought to be common. The Government has not addressed child abuse, which often is punished lightly; for example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

Child labor persisted (see Section 6.d.).

*People with Disabilities.*—The Government does not mandate accessibility to buildings or government services for the disabled. Although disabled persons have access to education and public health facilities, there is no specific law that addresses the needs of the disabled, and there are no laws or regulations that prevent job discrimination against disabled persons. The disabled have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

*National/Racial/Ethnic Minorities.*—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas are the majority ethnic group and control the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and non-Djiboutian Somalis. On December 21, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 2.d.). Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. The Government blames undocumented foreigners for the country's economy, unemployment rate, and rising crime.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government limited these rights. In 1999 the Government took control of the two largest labor unions, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). In May 1999, police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies. At a July 1999 meeting, the Government elected its supporters to head the UDT and UGTD, and in September 1999, the Government took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized

the Government's actions. On December 1, 1999, the ILO reported that the situation of the country's unions had "gravely deteriorated." The ILO rejected the credentials of Government officials claiming to represent the UDT and UGTD at several international conferences.

At its June meeting, the ILO demanded the Government enact the labor resolutions it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, did not appear to exist any longer.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government did not pay the salaries of teachers, security forces, and civil servants for the 5 months prior to the end of the year (see Section 3). Teachers' strikes continued during the year, primarily to protest delays in salary payments. Beginning in May, there were periodic demonstrations by teachers and other civil servants protesting salary arrears (see Section 6.c.). The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in February 1997 as a leader of a teacher's strike, still was not permitted to teach in public schools. On May 30, police arrested five bus union leaders for organizing a strike to protest fuel price increases, which increased 33 percent on May 31 (see Section 1.d.). On May 31, police arrested 15 bus drivers and owners in connection with the strike, which ended on June 3.

The law permits unions to maintain relations and exchanges with labor organizations abroad. The UDT has been a member of the International Confederation of Free Trade Unions (ICFTU) since 1994.

*b. The Right to Organize and Bargain Collectively.*—Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty of discrimination are required to reinstate workers fired for union activities; however, the Government does not appear to enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead they must provide either government or private accident insurance. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week is longer (see Section 6.e.). However, plans for the EPZ largely have failed; and it does little business and employs few people.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits all forced or compulsory labor, including by children; however, while the law generally is observed, there are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation. There were no reports of forced child labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and child labor, although not common, exists. A shortage of labor inspectors reduces the likelihood of investigation into reports of child labor. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours. The law prohibits forced or compulsory labor, including by children, and there were no reports of forced child labor (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor.

*e. Acceptable Conditions of Work.*—Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately \$90 (15,840 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The minimum wage for unskilled labor does not provide adequate compensation for a worker and family to

maintain a decent standard of living. The Government owed 5 months worth of salary arrears to teachers, security forces, and civil servants at year's end (see Sections 3 and 6.a.).

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly due to fear that others willing to accept the risks may replace them. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardy to continued employment.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports of persons being trafficked to, from, within, or through the country.

## EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice power is exercised by President Teodoro Obiang Nguema and the small Mongomo subclan of the majority Fang tribe, which has ruled since the country's independence in 1968. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was elected to a 7-year term in February 1996 in elections that were marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature; the latter was elected in elections in March 1999 that were criticized widely as seriously flawed by the international community. The judiciary is not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who also serves as President of the National Electoral Board. The Director General of National Security is the President's brother, Armengol Ondo Nguema. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 474,000 lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment is very high. Barter is a major aspect of the economy, and the monetary sector is based on exports of petroleum, cocoa, and timber. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record; however, in December 1999, the Government of Spain resumed aid. The per capita gross domestic product is approximately \$1,800. Earnings from offshore oil exploitation are approximately \$140 million per year. However, the investment and other use of oil revenues lacked transparency despite repeated calls in previous years from international financial institutions and citizens for greater financial openness. Poor fiscal management and a lack of public accounting transparency in national finances have undermined the country's economic potential. Little evidence is apparent that the country's oil wealth is being devoted to the public good.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the ability to change their government in fair elections. The security forces committed a number of abuses, including torture, beating and other physical abuse of prisoners, suspects, and opposition political members. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. The victims of government kidnappings are detained (usually without charge), reportedly beaten or tortured, and later released. Prison conditions remained harsh and life threatening. There were reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. Prisoners often are subjected to torture to extract confessions. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system continued to fail to ensure due process and remained subject to executive pressures. The Government restricted the right to privacy, and security forces conducted searches without warrants. Members of the security forces generally commit abuses with impunity. The Government severely restricted freedom of speech and of the press. It continued to restrict the rights of assembly and association. The Government continued to limit freedom of religion and freedom of movement. There were no effective domestic human rights nongovernmental organizations (NGO's). In 1999 the Government promulgated a law that further restricted NGO's and precluded them from functioning in the area of human

rights. Violence and discrimination against women remained a serious problem. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. During the year, the Government restricted labor rights; no labor unions exist. Child labor persists, and forced prison labor is used.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of extrajudicial killings. Unlike in previous years, there were no reports that security forces committed extrajudicial killings.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years.

On January 21, 1998, in the town of Luba on the island of Bioko, noncommissioned officers Felix Ndong Ondo, Mauro Era Nguema, and Alberto Nsue were killed. The Government claimed that they had been killed by armed men leading a revolt by ethnic Bubis organized by the Movement for Self-determination of Bioko (MIAB); MIAB denied involvement. There were unconfirmed reports of similar attacks and killings in the towns of Moka and Bako Grande. No independent observers were able to visit any of these towns or confirm the Government's account. A military court convicted 63 persons, 15 of whom were sentenced to death although the President subsequently commuted their sentences to life in prison (see Section 1.e.).

*b. Disappearance.*—In previous years, there were unconfirmed reports of politically motivated disappearances; however, during the year, there were no reports of disappearances.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.c., 1.d., and 2.d.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture or cruel or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects and prisoners. The level of these abuses is serious. A number of prisoners still are under sentence from the alleged revolt of 1998 (see Section 1.a.), and the U.N. Special Representative confirmed reports of their abuse and torture in November 1999.

Officials reportedly detained, interrogated, beat, and tortured opposition political activists (see Section 1.d.).

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Section 2.d.).

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and extortion. Several thousand citizens of Nigeria, Ghana, and Francophone Africa continue to reside in the country; most are small traders and businesspersons (see Section 5).

During the campaign period prior to the May municipal elections, there were reports that government security forces beat and detained opposition politicians daily (see Section 3.)

Milagrosa Obono Ndong, a voting station representative for the Social Democracy Convergence Party (CPDS), was detained by security forces to prevent her presence on election day. While in custody she reportedly was raped by Jose Luis Abaga Nguema, the district judge of Evinayong.

Conditions in prisons and jails are harsh and life threatening. In a 1999 study, a governmental body cited the extremely poor conditions of nearly all penal establishments. According to the government investigation, inmates are held without access to necessities including: food; medical care; working toilets or latrines; drinkable water; clean and healthful living space; and minimum equipment (e.g. beds). For example, the government investigation found the prison in Bata to be in an advanced stage of deterioration and unfit for human habitation. The prison had no food, medical care, or sanitation facilities; and beds and blankets were not provided.

In March 41 Bubi prisoners, who were convicted of crimes associated with the January 1998 unrest and formerly held at Malabo prison, were moved to a mainland prison at Evinayong. The prison is approximately 300 miles from their homes and

families which made it difficult or impossible for the families to bring them medicines, food, and moral support. An ICRC representative visited them in April, but they have not been seen subsequently by international observers.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. The CNDHGE reported in 1999 that there was a lack of medical care, but stated that the prisoners were not mistreated; Amnesty International reported during the year that eight prisoners died as a result of torture and lack of medical assistance in 1999. Furthermore, the U.N. Special Representative reported in November 1999 that on October 19, 1999, Dingo Sepa Tobache died at the Malabo prison as the result of injuries caused by beatings and excessive mistreatment by guards during his incarceration.

In November 1999, the U.N. Special Representative reported that when he visited the Malabo prison, he witnessed eight persons being held in cells measuring approximately 4.92 feet by 2.3 feet. A ninth prisoner normally held in the same cells had been hospitalized a few days earlier for a serious illness. The Special Representative was told that these prisoners were among those condemned to death for the events of January 1998, but whose sentences were later commuted to life imprisonment. The U.N. Special Representative confirmed that the nine persons were held in those cells permanently and were not allowed outside; that they received no medical care, although all of them were suffering from illnesses due to the prison conditions and the torture that they had suffered before trial; that their food was inadequate; and that they were allowed no contact with their families. All of the prisoners were in poor physical condition. The U.N. Special Representative also confirmed that the Bata gendarmerie detained and tortured Dr. Antimo Oyono Mba and Dr. Joaquin Mbana Nchama of the UP by beating them on the soles of their feet.

Male and female prisoners were not held in separate facilities, nor were adult and juvenile prisoners. The CNDHGE reported that prisoners and prison authorities subjected female prisoners to sexual assaults.

In its 1999 study, a government investigation noted that prisoners were exploited as virtual slaves by local judges and by administrators of the prisons. Prisoners told the investigators that they were used habitually as labor for others and as workers on construction projects for certain officials, without pay or other compensation. The U.N. Special Representative found that Juan Obiang Late, a man detained at the police headquarters in Bata, (see Section 1.d.) was taken from the jail to do work for an official in 1999. Judges also reportedly used prisoners as domestic workers.

There are no local NGO's other than the government-controlled CNDHGE; as a result, there are no local NGO's that visited prisons or promoted prisoners' rights. Prison conditions ostensibly are monitored by the International Committee of the Red Cross (ICRC), which historically has made recommendations to the Government; however, the head of the regional ICRC office was not granted access to any prisons or detention centers during the first 11 months of 1999. In October 1999, a government body recommended that the Government enter into a dialog with the ICRC; as a result, the ICRC director was granted access in December 1999 to the prisons under the jurisdiction of the Minister of Justice. The ICRC visited some prisoners during the year, for example, in April inmates at Evinayong prison who had recently been moved from the Malabo prison. Another ICRC prison visit is planned for March 2001.

*d. Arbitrary Arrest, Detention, or Exile.*—There are nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, these safeguards are ignored systematically by security forces, which continued to arrest and detain persons arbitrarily.

Police routinely hold prisoners in incommunicado detention. Foreigners from neighboring countries sometimes are targeted for arbitrary mistreatment and random arrest. In previous years, these included visitors and residents from Nigeria, Ghana, Togo, and Benin. Members of the security forces extorted money from them; however, reportedly such incidents were reduced during the year, and most checkpoints on the road from Luba to Malabo and within Malabo were removed.

Security forces often detain individuals "on orders from superiors" without any further formality. For example, authorities, after receiving orders from their superiors detained Teodoro Abeso Nguema and Juan Obiang Late, beginning respectively on November 9 and 11, 1999, at the Bata prison. According to Nguema, both men were detained because they copied an article on the health of President Obiang from the Internet (see Section 2.a.).

Security forces detained relatives of prisoners or criminal suspects in an attempt to force the prisoners or suspects to surrender. For example, in October 1999, the CNDHGE found that Candida Nsue Mba had been held for 2 months at Bata prison

as a hostage for her daughter who had escaped; at Nzok Nzomo prison, Monica Mangué was held hostage for her daughter; and the Mikomeseng and Anisok prisons each held a woman hostage against the appearance of their daughters.

During the year, the Government arrested political activists and detained them without charge for periods up to several weeks during which time officials reportedly interrogated, beat, and tortured them (see Section 1.c.). For example, in September authorities in Bata arrested Francisco Nsue Masie, the Director of Public Works and son of former president Macias Nguema, and others and charged them with conspiracy against the State; they were transferred to the prison in Malabo. There were unconfirmed reports that these detainees were tortured (see Section 1.c.). Nsue Masie and the others remained in custody at year's end, pending a trial. Political detentions seldom lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be less than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

In September 1999, authorities arrested and detained Placido Miko Abodo, Secretary General of the opposition CPDS. Miko was held for a week, and upon his provisional release, he was told to report to the authorities in Bata twice a month; however, no formal charges ever were made against him. At year's end, Miko's case reportedly remained in the hands of a military examining magistrate.

Following the 1998 revolt, approximately 500 ethnic Bubis reportedly were arrested and interrogated (see Section 1.e.); however, reliable information on the number and identities of detainees was not available readily. The majority of them were released, although 15 were tried and sentenced to death, but they had their sentences commuted to life imprisonment by President Obiang later in 1998.

There was a report that Mariano Oyono Ndong of the opposition Democrat Republican Front (FDR) was confined to the limits of his town for 3 years beginning in June 1997, without any judicial action (see Section 1.e.). He was released in mid-year.

Authorities often detain both men and women for failure to repay a dowry following the dissolution of a marriage; however, only divorced women or their responsible male relatives are imprisoned for not repaying a dowry. These cases arise from customary law, where the amount of money or goods due is set by traditional courts. A government investigation documented that as many as 20 persons were detained solely for failure to repay dowries, including Victoriana Abuy and Veronica Monanga at Mbini prison and Mariano Nsue Ela and Juan Esono Nguema at Nkue prison; two women at Mikomeseng; five men at Ebibeyin; one man at Nzok Nzomo; three persons at (Anizok); and two men (one 85 to 90 years of age) at Akonibe. Their detention was not limited by the 72 hours established by law even for those suspected of crime.

During the year, government security forces on occasion detained employees of foreign oil companies. Police detained an employee of a foreign oil company for a short period in August for alleged irregularities in processing the import of equipment. The driver for an oil company alleged that police detained and beat him openly.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.b., 1.c., and 2.d.).

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government are treated as being above the law. For example, Francisco Mba Mendam, a government delegate from Mikomeseng, remained free, despite having been sentenced in October 1999 to 30 years in prison for the murder of a former ambassador to France; he received a presidential pardon in November.

The Government does not use forced exile; however, some persons have fled the country for political reasons.

*e. Denial of Fair Public Trial.*—The Constitution provides for judicial independence; however, the judiciary is not independent. Judges serve at the pleasure of the President, and they are appointed, transferred, and dismissed for political reasons. Corruption is widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice; the President is the most powerful member of the judicial branch. Tribal elders adju-

dicating civil claims and minor criminal matters in traditional courts in the countryside.

There are no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. A government investigation noted in its 1999 report that some judges are regularly absent from their posts, resulting in delays in judicial proceedings. As a result of absences by judges, prisoners remain detained at police stations awaiting hearings for longer than the 72 hours prescribed by law and the jails available become even more overcrowded and unsanitary. Some persons are detained indefinitely as an alternative to formal arrest, trial, and imprisonment; they are held without any intention of formal judicial action.

In August 1999, the Government created a Special Commission on Corruption to address court corruption. In January the President fired a substantial number of judges, including members of the Supreme Court. The firings reportedly were the result of the courts' diverting \$7 million from their budgets between 1996 and 1999. Following completion of the investigation by the Special Commission on Corruption, the President of the Supreme Court and two other justices, together with the secretary of the court, were implicated in corruption and replaced. Five other justices were not implicated and either were returned to the Supreme Court or promoted to other positions. The President of the Constitutional Court, one justice, and the attorney for that court also were implicated and removed from positions of responsibility.

The Constitution and laws passed by the Chamber of Deputies provide for legal representation in trials and the right to appeal. In practice the authorities often do not respect these provisions. Civil cases rarely come to public trial. Cases involving national security are tried by the military tribunal. Cases that are essentially political in nature frequently are referred to military courts, even when the defendants are civilians and the charges are not related to the military. The 1945 Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are civilians. The military courts do not provide for due process or other procedural safeguards, and their proceedings are not made public. For example, the case of Placido Mico, the civilian opposition leader, was heard in secret by a military judge (see Section 1.d.). Two other FDR members, Mariano Oyono Ndong and Carmelo Biko Ngua, were tried in 1999 by a military tribunal; they remained in custody in June, and there was no indication that they had been released at year's end.

The Government holds a number of political prisoners. In May 1998, the Government conducted a public trial before a military tribunal of 116 persons allegedly involved in the January 1998 revolt on Bioko island. The defendants were charged with terrorism, undermining state security, and illegal possession of weapons. Many defendants claimed that the Government obtained confessions from them by torture (see Section 1.c.). At their trials in 1998, some defendants were found to be suffering from broken jaws, inflamed testicles, and other conditions indicative of torture; however, the president of the military tribunal refused to allow defense lawyers to raise the question of torture. The conduct of the trials drew universal criticism. The tribunal found 63 persons guilty on at least 1 charge and acquitted 53 of all charges. It sentenced 15 convicted defendants to death, and sentenced the other 48 to terms ranging from 6 to 26 years in prison. The 15 condemned to death were the only defendants absent from the court when the sentences were announced. President Obiang in 1998 commuted their sentences to life imprisonment.

Two members of the ruling Mongomo clan and of the banned FDR party, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema, remained in prison. In 1998 they were convicted of libel against the Government and sentenced to 30 months' imprisonment in 1998, after Equatoguinean security forces repatriated them involuntarily from Gabon with the consent of the Government of Gabon (see Section 2.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires judicial warrants for searches; however, the Government does not enforce the law in practice. Security forces regularly search homes and arrest occupants, and they generally do so with impunity.

There reportedly is government surveillance of members of the opposition parties and foreign diplomats.

For lawyers, government employees, and some others, PDGE party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is required in order to be hired.

According to credible sources, in previous years, citizens living in rural areas were hesitant to associate with or even be seen with foreigners, due to the fear of reper-



cussions from the authorities; however, there were no reports of such behavior during the year.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and the Press.*—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practice self-censorship.

The Government allows mild criticism of infrastructure, public institutions, and public sector mismanagement and permitted some increased criticism of minor administrative decisions; however, it permits no criticism of the President or the security forces. All journalists must be registered with the Ministry of Information. According to press sources, there are approximately 12 independent reporters registered with the Ministry of Information. Between 30 and 40 reporters employed by the official party or government publications also are registered. In previous years, visiting foreign reporters were required to be accompanied by guides from the Ministry of Information; however, during the year, a journalist traveled unescorted.

In April 1999, shortly before a national symposium on press liberty was scheduled, the Minister of the Interior ordered the removal of the democratically elected president of the Press Association (ASOPGE), Manuel Nze Nzogo, even though the ASOPGE was a legally recognized association. The reason given was that Nzogo supposedly was not qualified properly for the position; he remained removed from his position during the year and ASOPGE was inactive.

There are five general-interest newspapers that were published regularly: *La Gaceta*, a Malabo-based publication with informal connections to the Government, which was published monthly; *El Correo Guineo Ecuatoriano*, a bimonthly newspaper published by the *Gaceta* group; *La Opinion*, an opposition newspaper that was published every 2 to 3 weeks; *El Tiempo*, an opposition newspaper that published its first edition on December 30; and *Ebano*, a publication of the Ministry of Information, Tourism, and Culture, which appeared about twice a month. There was also a magazine (*AYO*) that was published by students at the university and a monthly cultural review, *El Patio*, published by the Guinean-Hispano Cultural Center. The PDGE published *La Voz del Pueblo*, and the opposition CPDS published *La Verdad*, which appeared one or two times per year.

The 1992 press law reportedly is based on Spain's 1967 Franco-era press law and authorizes government censorship of all publications. In previous years, the Ministry of Information sometimes required publishers to submit copy for approval prior to publication; however, the practice reportedly has ended. All local publications exercise self-censorship and were subject to prior restraint. Few foreign publications were available for sale, and security forces confiscated literature from Spain that was critical of the Government.

Radio is the most important medium of mass communication. The Government continued effectively to dominate domestic radio broadcasting. It owns and operates Radio Malabo; however, it received some competition from Radio France International on the FM band, which has transmitted from Malabo since 1995. In 1998 the Government permitted the establishment of the country's first private domestic radio station, the FM station Radio Asonga. However, that station reportedly is owned by the Minister of Forestry, Environment, and Fisheries, Teodoro Obiang Nguema, the son of the President. The Government has not approved the one or two other applications to operate private radio stations that have been pending for several years.

The domestic television station is government controlled and broadcasts only a few hours a day. Television Asonga, owned by President Obiang, broadcast by cable only in Bata. Foreign cable television is available, and offers the Cable News Network, French news, movies, sports events, and cartoons, but relatively few citizens can afford it. Satellite reception is increasingly available.

The Government generally withholds access to domestic broadcasting from opposition parties and rarely refers to the opposition in anything but negative terms when broadcasting the news.

Radio Exterior, the international short-wave service from Spain, often broadcasts news about the country and interviews with opposition politicians. It is virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, often are highly critical of the Government. The Government regularly accused Radio Exterior—sometimes with justification—of misrepresenting the situation in the country, and in 1998 it asked the Spanish Government to halt broadcasts that "may provoke problems."

Internet service is available, although access is expensive, and computer ownership is not widespread. In late 1999, two men were arrested for possessing an article

taken off of the Internet that referred to the health of the President (see Section 1.d.).

The Government recognized respect for academic freedom and encouraged educators and students to work "peacefully and in harmony with the moral guidelines of the society;" however, it imposed a few limits on academic freedom. During the year, students at the National University wrote a letter to the rector complaining about their food and housing. The students were brought before the President in March, publicly berated for their lack of gratitude for free accommodations, and then immediately evicted from the student housing.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the Government considers political. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally observe gatherings in public places, even small gatherings. The Government required notification for public events and routinely denied permission for such events.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the locally appointed official delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.c.).

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. A 1999 law on NGO's does not permit such groups to defend or promote human rights; any group attempting to do so is considered to be illegal (see Section 4); however, no groups were prosecuted during the year for attempting to promote human rights.

Police routinely harass and detain members of opposition parties (see Section 1.d.). Reportedly the Government bribed members of the opposition. Opposition party members complained of disruption of meetings and of roadblocks at which they are forced to pay soldiers in order to proceed.

The Progress Party (PP) of Severo Motto appealed a 1997 decision by the Government in which the PP was declared illegal. The Court of Appeals upheld the suspension of their right to operate, and, during the year, the Supreme Court confirmed the decision of the Court of Appeals. The PP was banned because Motto was accused of organizing an attempted coup d'etat in 1996. The FDR has sought recognition since 1995 unsuccessfully; FDR directors are in jail in Malabo and Bata (see Section 1.d.). The Independent Democratic and Social Party (PIDS) also sought recognition unsuccessfully. The Movement for the Self-determination of Bioko (MIAB), an ethnic political party, is illegal (see Section 3). Reportedly MIAB was banned in reaction to its alleged role in the January 1998 unrest; subsequently, legislation made ethnic political parties illegal.

On several occasions the Government reportedly attempted to force opposition members or officials to join the PDGE party (see Section 3).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, in practice the Government limits this right in some respects.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. The Government requires permission for any religious activities outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious groups must be approved by and registered with the Ministry of Justice and Religion in order to function legally; however, there were no reports that the Government refused to register any group. The approval process usually takes several years, but such delay apparently is due primarily to general bureaucratic slowness and not the result of a clear policy designed to impede the operation of any religious group.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the local delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.b.).

Religious study is required in schools and is usually, but not exclusively, Catholic. In February 1998, security forces arrested a priest, Father Eduardo Losoha Belope, a member of the Bubi ethnic group and president of the Malabo chapter of

the Catholic nongovernmental organization Caritas, in connection with the January 1998 revolt. Father Belope remained in detention at year's end, and was one of the Bubi prisoners transferred in March from Bioko island to Evinayong on the mainland (see Section 1.c.).

In July 1998, the Archbishop of Malabo, Laureano Ekua Obama, stated publicly that the Government now required Catholic priests to obtain government permission before celebrating mass and commented that the Government did this because the church repeatedly criticized human rights violations, social injustice, and corruption in the country. The Archbishop also stated that government harassment made it very difficult to be a Catholic priest in the country. Nonetheless, a 1992 law includes a stated official preference towards the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and well-known influence in the social and cultural life of the populace. For example, a Roman Catholic mass is normally part of any major ceremonial function such as the October 12 national day.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for freedom of movement and travel throughout the country; however, the Government limits these rights in practice. Local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. The police routinely stopped citizens, particularly members of the opposition, at roadblocks, subject them to searches, and extort money from them; however, during the year, the Government eliminated a number of checkpoints between Malabo and Luba and in the vicinity of Bata. Members of the Bubi ethnic group on the island of Bioko were unable to move about freely, according to credible sources. Roadblocks throughout the island prevented Bubis from traveling easily between villages.

During his 1999 visit, the U.N. Special Representative confirmed that the existence of roadblocks substantially limited the freedom of movement, both on Bioko and on the mainland. The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. In November 1999, the Special Representative was stopped after taking a photograph of cars waiting at one such barrier, but he was released shortly thereafter. The Special Representative also concluded that these roadblocks effectively restricted the freedom of movement of members of the opposition and prevented them from either leaving or returning to their hometowns.

All citizens are required to obtain permission to travel abroad from the local Police Commissioner, and members of opposition parties regularly were denied this permission. Those who do travel abroad sometimes were interrogated or detained upon their return. However, several prominent members of opposition parties were able to travel abroad without hindrance during the year.

Government officials attempt to control the movements of citizens by refusing exit visas or denying or confiscating passports. During the campaign prior to the municipal elections in May, opposition politicians complained that the Government prohibited them from traveling from town to town to campaign.

The Government is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During recent years, an average of one or two persons a year, from Mauritania, Nigeria, or the Congo, requested refugee or asylum status in the country. The Government provides first asylum and generally grants asylum requests. Although security forces reportedly have harassed asylum seekers in past years, there were no reports of such harassment during the year. The police reportedly continued to harass several thousand citizens of Nigeria, Ghana, and Francophone Africa most of whom are small traders and businesspersons (see Section 5) as well as harassing asylum seekers on an individual basis.

There were no reports of the forced return of any persons to a country where they feared persecution.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly were detained, questioned, and tortured before being released (see Sections 1.c. and 1.d.).

In September 1997, 12 Equatoguinean refugees and their families in Cameroon were detained by Cameroonian security forces—ostensibly for their own protection—at a military base in Yaounde. The majority of the heads of family are former military officers and consider themselves in opposition to the Government. All have been granted refugee status by the U.N. High Commissioner for Refugees. In October 1999, the Cameroonian press reported that two of the refugees had escaped from the base and met with others to plot a coup attempt against the Government of Equatorial Guinea. They were arrested in Douala and returned to Yaounde. In mid-October 1999, senior government officials reportedly requested their extradition to Equatorial Guinea, which the Cameroonian Government did not grant. In July three

of the former officers disappeared from the base in Cameroon after undergoing final processing for resettlement, and at year's end, they had not been found. The other nine refugees have been resettled with their families in another country.

The Government continued to demand that the Spanish Government repatriate Severo Moto, leader of the now-banned Progress Party (see Section 2.b.), who led an attempt to overthrow the government by armed force in 1996 and to whom the Government of Spain had granted asylum in 1997.

*Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised complete power as head of state, commander of the armed forces, and leader of the government party, the PDGE. Leadership positions within the Government in general were restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. The elected Chamber of Deputies was dominated completely by the Government. The Minister of the Interior also acted as President of the National Electoral Board.

Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end, including the FDR, the Progress Party (PP), the Independent Democratic and Social Party (PIDS), and the Movement for the Self-Determination of Bioko (MIAB)(see Section 2.b.).

The February 1996 presidential election, in which President Obiang claimed reelection with 98 percent of the vote, was considered openly fraudulent by international observers. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly being barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections, as well as of beatings, roadblocks, stuffed ballot boxes, and the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, boycotted the election.

In 1997 the Government and 13 political parties promulgated a revised national pact following 3 months of debate. The pact called for the creation of a multiparty electoral commission and an observance commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided in the Constitution. However, the Government has not abided by most of the pact's provisions. Opposition activists reported that the Government made virtually no effort to implement the pact. The Government's refusal to issue exit visas to some opposition figures violates the pact's principle of freedom of travel. The continued arrests of CPDS, UP, and FDR activists further undermined the Government's claims that it abides by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition.

In 1998 the Government enacted a new electoral law that mandates the replacement of open voting by secret ballots in future elections but prohibits coalitions between political parties. Nevertheless in December five opposition groups including the CPDS, Front for Democratic Opposition (PSD), PP, Progressive Democratic Alliance (ADP), and the Popular Union (UP) joined to form the Front of Democratic Opposition (FOD). At year's end, the Government had not responded to this action.

The legislative elections that should have been held in the fall of 1998 were postponed until March 1999. The new electoral census was completed in December 1998, but not all of the opposition parties agreed to sign it due to irregularities including the inclusion of the underaged, the dead, and nonresidents, while excluding opposition party members. The three opposition parties initially called for a boycott of the polls to protest preelection irregularities; however, all but one of the parties, the CPDS, ultimately participated in the voting. One CPDS candidate was elected; however, he had refused to take his seat at year's end.

International observers considered the legislative election process to be seriously flawed. The elections were characterized by numerous irregularities and by restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel; and opposition leaders were detained intermittently, sometimes with mistreatment, torture, or stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held.

During the municipal elections on May 28, the PDGE won all 30 municipalities with more than 95 percent of the vote. The elections used the same flawed electoral census that was used in the 1999 legislative elections. According to one opposition

party leader, police beat and detained opposition politicians daily during the campaign (see Section 1.c.).

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented in government and politics. There are 4 women in the 41-member Cabinet, and 5 in the 80-member legislature.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no effective domestic human rights nongovernmental organizations (NGO's). In April 1999, the Government promulgated a law governing NGO's that restricted NGO's and identifies specific areas in which they may operate; human rights is not one of these areas.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, inform the local delegate each time it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present and consequently did not meet during the year.

No international human rights NGO has a permanent presence in the country, and the Government neither acknowledged nor gave credibility to reports issued by Amnesty International, Human Rights Watch, and other international human rights organizations.

The U.N. Special Rapporteur for Human Rights visited in March and December 1998, and ostensibly he received the Government's cooperation; however, the Government succeeded in having the Rapporteur replaced early in 1999. A new Special Representative visited the country in November 1999 and released his report in March with recommendations for fundamental reforms, especially in the areas of political rights, the administration of justice, and the treatment of prisoners and detainees.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution condemns all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued.

*Women.*—Societal violence against women, particularly wife beating, is common. The public beating of wives is forbidden by government decree; however, violence in the home generally is tolerated. The Government does not prosecute perpetrators of domestic violence.

Although the Constitution provides for equal rights, women largely are confined by custom to traditional roles, particularly in agriculture. Polygyny, which is widespread among the Fang, contributes to women's secondary status, as does limited educational opportunity. On average women receive only one-fifth as much schooling as do men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridegroom at the time of marriage. The husband automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage. In many instances, the woman has no funds or property after the divorce with which to repay the dowry, and, as a result, is incarcerated (see Section 1.d.). Many prisons do not have separate areas for men and women and women are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.e.).

In the Fang, Ndowe, and Bisio cultures, primogeniture is practiced, and because women become members of their husband's family upon marriage, they usually are not accorded inheritance rights. According to the law, women have the right to buy and sell property and goods; however, in practice the male-dominated society permits few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

*Children.*—No provisions for the welfare of children are legislated. The Government devotes little attention to children's rights or their welfare and has no set policy in this area. Education is compulsory until the age of 14, but the law is not enforced. In practice following primary education, males are expected either to complete an additional 7 years of secondary school or to finish a program of vocational study. Pregnancy and the requirement to assist in agricultural work make this level of education less likely for females. The 1999 report by the U.N. Special Representative noted that only 12 percent of girls reach the secondary level of education com-

pared with over 24 percent of boys who reach the same level. Only 9 percent of girls finish fifth grade. In 1999 only 1.8 percent of the national budget was committed to education. Children suffer poor health and a high mortality rate. Child labor is common.

There was no societal pattern of abuse directed against children. When children or adolescents are arrested, they are imprisoned with adults (see Section 1.c.). There were no reports of abuse by guards or other inmates.

*People with Disabilities.*—There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment, education, or the provision of other government services; however, there is no notable discrimination against the disabled in practice. No law mandates access for the disabled to buildings or government services.

*National/Racial/Ethnic Minorities.*—Discrimination against ethnic or racial minorities is not legal, and the Government does not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persists. In practice some members of ethnic minorities face discrimination because they are not members of the Fang ethnic group, or belong to a Fang subclan other than the President's. Ethnic minorities do not face discrimination in inheritance, marriage, or family laws.

Differences between the majority Fang ethnic group and the Bubi ethnic minority are a source of political tension and historically often have erupted into violence. Bubis allegedly led the January 1998, separatist revolt on Bioko, after which the Fang-dominated Government and the security forces intensified their longstanding institutionalized repression of the Bubis and allowed Fang vigilante groups to abuse Bubi citizens with impunity. Before independence the Bubis were a majority of the population on the island of Bioko (then Fernando Po), which was both administratively distinct from and more economically developed than the larger and more populous mainland (then Rio Muni), where the Fang were a majority. The two Spanish colonies were united 9 years before independence, after which many Fang migrated to Bioko, where Malabo, the capital, is located. The Fang dominated the united independent state; during the first decade after independence, misrule by Obiang's uncle, Macias Nguema, reduced the country's population by about one-third and devastated the economy.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions and in past years, occasional violence; however, there were no reports of such violence during the year.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most are small traders and businesspersons. The police reportedly continued to harass them (see Section 1.c.) as well as harassing asylum seekers on an individual basis.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Although the Constitution provides for the right to organize unions, no labor unions exist; however, there are a few cooperatives with limited power. The 1992 Law of Associations and Syndicates allows only workers in the same activity, numbering no fewer than 50, and grouped in the same geographic area, to form unions; this has effectively blocked union formation. Since 1992 the CPDS has tried unsuccessfully to legalize its affiliated Union Sindical de Trabajadores (UST). An independent union, Sindicador Independiente de Servicios (SIS), initially applied for registration twice in 1995 with subsequent application in 1996, but the Government denied SIS's applications. Although SIS's registration met the requirements of the 1992 Trade Union Law, the authorities denied it. The 1992 law provides that a separate law be enacted to govern unions for civil servants; however, this law has not been enacted. The law prohibits strikes. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them.

It generally is acknowledged that membership in the PDGE, the President's party, is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.f.). Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians who are not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

During the year, the country's major private employer, the oil industry, which is dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Having ceased their exclusive reliance on the government employment agency APEGESA in 1999, the companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by

non-Equatoguineans only, in their attempt to eliminate the former political bias in the hiring process.

In the past, APEGESA allegedly kept nearly two-thirds of employees' wages, although reportedly its ability to do so has been reduced. Recent legislation mandates that oil workers receive at least 60 percent of their wages. Oil sector workers receive a much higher scale than elsewhere in the national economy, often 10 times the minimum wage. In the past, when several employees signed a petition complaining of ill treatment, they were fired; however, this abuse no longer exists.

*b. The Right to Organize and Bargain Collectively.*—There is no law regarding these rights or prohibiting antiunion discrimination. There is no evidence of collective bargaining by any group. The Government and employers set wages, with little or no participation by workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law forbids forced or bonded labor and slavery; however, detainees and convicted felons perform extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.). The law prohibits forced or bonded labor by children, and there were no reports that it occurred.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for the employment of children is 14 years, but the Ministry of Labor does not enforce this law, and child labor is common particularly on family farms and businesses. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending. While the Ministry of Labor is responsible for the enforcement of labor legislation, the Government does not have a comprehensive policy on child labor.

The Chamber of Deputies approved ILO Convention 182 on the worst forms of child labor in December; however, the Government had not completed ratification of the convention by year's end. The Government has not established or identified any specific organization to implement the convention.

The Labor Code prohibits forced or bonded labor by children, and there were no reports that it exists (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The minimum monthly wage was approximately \$41 (27,000 CFA francs). The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which are observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. The Government has nine labor inspectors, which was insufficient to oversee local industry.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

A July 1998 UNICEF study stated that the country is a source for traffickers that feeds the domestic labor market in urban centers of countries such as Cote d'Ivoire and Gabon.

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## ERITREA

Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ), and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were scheduled originally for 1998, were postponed again due to the outbreak of an armed conflict with Ethiopia that began in May 1998. However, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. National Assembly elections are scheduled to take place in 2001. The Constitution provides for democratic freedom; however, while it was ratified in May 1997, its provisions had not yet been imple-

mented fully by year's end. The judiciary is formally independent; however, it is weak and subject to executive interference.

The police are responsible for maintaining internal security, although the Government may call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. In May 1998, fighting broke out between Eritrean armed forces and Ethiopian militia along the border. The Government responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the border conflict, the army has had to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

The conflict with Ethiopia has resulted in severe economic disruption and the displacement of more than 1 million persons. Problems included higher inflation, an increased fiscal deficit, a drop in economic activity, and increased pressure on the local currency as foreign exchange reserves fell. The fighting from May to June had a severe negative impact on agricultural production, making the country partially dependent on food donations. Inflation rose from about 8.3 percent in 1999 to 30 percent during the year. Private foreign investment dropped nearly to zero as a result of the conflict with Ethiopia. Economic growth declined from 3 percent in 1999 to negative 9 percent during the year. The severance of trade relations with Ethiopia, Eritrea's largest trading partner before the conflict, led to an extremely large drop in exports. The integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin who have been deported from Ethiopia and the internal displacement of approximately 1 million persons have strained resources and further aggravated pressures on the economy. In addition there was a shortage of skilled labor because of increased military conscription. As a result of a lack of foreign exchange, imports were curtailed during the year, resulting in shortages of basic consumer goods. While trade, services, and manufacturing account for the greatest portion of gross domestic product (GDP), the rural economy is based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million is engaged in farming and herding. The small industrial sector consists mainly of light industries, many using outmoded technologies. Principal exports include salt, leather products, and fish. Principal imports include machinery, spare parts, food, and military materiel. International economic assistance has accounted for a significant portion of external revenues. Eritreans who live abroad also provide a major source of external revenues, estimated at \$300 to \$400 million a year. Nominal GNP was estimated at \$695 million. The country has an annual per capita income of less than \$200, and about a third of the population depends on foreign emergency assistance. The PFDJ continues to exert a strong economic influence through a variety of investments and party-owned businesses.

The Government's human rights record was poor, and serious problems remain; however, there were improvements in a few areas. Citizens did not have the ability to change their government, which is dominated by the PFDJ. Many observers believe that the police occasionally resort to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft dodgers. There were reports that police beat Ethiopians detainees and credible reports that soldiers beat and raped female Ethiopian deportees. The Government generally does not permit prison visits by local or international human rights groups, although it permitted some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. In August the Government granted the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and prisoners of war (POWs). Arbitrary arrest and detention are problems. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remained in prolonged detention. The judiciary is weak and subject to executive influence. The provision of speedy trials was limited by a lack of trained personnel, inadequate funding, and poor infrastructure. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government restricted press freedom, including the rights of the religious media, and there were some limits on freedom of association. The Government restricted religious freedom in the case of Jehovah's Witnesses. The Government restricted freedom of movement. Violence and societal discrimination against women also are problems, and female genital mutilation (FGM) remains widespread despite government efforts to discourage the practice. Members of Jehovah's Witnesses and members of the Kunama ethnic group also face some government and societal discrimination. The Government restricted workers' rights and there were reports of forced labor.



## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Extrajudicial Killing.*—There were no reports of political killings; however, there were reports that security forces killed some Ethiopian detainees. For example, there were reports that camp guards killed approximately 30 Ethiopian detainees at a camp in Wia. There was no investigation into these reports by year's end.

The Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.d.). The Government authorized the use of deadly force against anyone resisting or attempting to flee; however, there were no reports that such force was used.

In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths (see Sections 1.d. and 2.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. Credible sources reported that during a deportation on August 2 five Ethiopian deportees disappeared and are believed to have died.

In October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). There also were some reports that civilian detainees in camps at Sheb Mensheb and Afabet died (see Section 1.c.).

During the year, approximately 100 Ethiopian civilians were killed in landmine explosions from landmines laid by Eritrean forces withdrawing from occupied territories.

Unlike in the previous year, there were no reports that during the year the Government provided support to armed groups opposed to the Ethiopian Government operating out of Somalia and Kenya.

During the year, the Ethiopian army reportedly laid landmines in the Eritrean territories that it occupied. According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there are an estimated 2.5 million landmines or other unexploded ordnances in the country, including approximately 500,000 landmines laid by Ethiopia during the 1962–91 war for independence. On occasion, new mines have been laid by the EIS or others. During the year, there were approximately 48 reported casualties, including a number of deaths, as a result of landmines and unexploded ordnances; however, it is not clear which landmines in particular were responsible for these casualties. The Commission reported that 15 children were killed by landmines and unexploded ordnances during the year. For example, in February a fuel truck hit a landmine in the west that reportedly was laid by the EIS; the driver and his assistant both were killed. In December a bus hit a landmine on the Tologamja-Kotobia road; the driver was killed and two passengers were injured; the mine was laid the previous night, but it is not known by whom. It is probable that there were additional, unreported deaths in remote areas.

*b. Disappearance.*—There were no confirmed reports of politically motivated disappearances; however, the Ethiopian Government and media alleged that numerous Ethiopians in Eritrea disappeared during and after fighting that took place from May to June. These allegations reportedly were under investigation by international observers at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The transitional Penal Code prohibits torture; however, many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft dodgers, and the army subjected deserters and draft dodgers to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit, or the tying of the hands and feet for extended periods of time (see Section 1.d.).

In October a guard at the Keren detention facility shot in the shoulder an Ethiopian detainee who locked himself into a room with 68 other detainees for fear of being punished. The guard apparently shot the detainee through a window. The detainee was treated at a hospital and he was repatriated to Ethiopia by year's end. No action is known to have been taken against the guard.

In July the Government deported 92 Ethiopian women to Djibouti by boat (see Section 1.d.). There were credible reports that Eritrean soldiers beat and raped some of the women while they were in detention awaiting deportation.

There were credible reports that at times security forces beat Ethiopian detainees who were awaiting deportation or repatriation to Ethiopia.

In July and August, the Government deported to Ethiopia thousands of Ethiopians under potentially difficult or dangerous conditions without the participation

of the ICRC (see Section 1.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees were forced to march for 18 hours straight.

There were some instances in which private Eritrean individuals threatened and beat Ethiopians after fighting resumed in May. In some cases, police intervened too late to prevent the abuse, or were unable to halt such abuse. For example, on May 18, the day after Ethiopian troops occupied the Eritrean town of Barentu, students harassed, assaulted, and occasionally beat Ethiopians in Asmara.

During the year, there were approximately 48 reported casualties, including a number of deaths, from landmines and unexploded ordnances (see Section 1.a.). It is probable that there were additional, unreported injuries that occurred in remote areas.

Prison conditions are Spartan. The Government permits three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of proper medical care. Women and men are held in separate facilities. There are no juvenile detention centers or correction facilities and juvenile offenders often are incarcerated with adults.

Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, and Wekerti (see Section 1.d.). Monitors who visited the camps at Afabet, Adi Abieto, and Alla reported that conditions in the camps were Spartan but generally adequate; however, there were reports that numerous detainees became sick due to camp conditions at Afabet, and that some died. In addition between 10 and 15 persons died in the Sheb Mensheb detention camp during the year; most were infants and young children who died of dehydration due to the extremely hot weather. The Government responded by sending in a team of doctors and additional supplies, including water. There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c.). By December the Government reported that most of these camps had been shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla.

Approximately 1,000 POW's were being held at a camp in Nakfa at year's end. Conditions at the POW camp reportedly were good; however, in October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 6.c.).

Prior to August 8, the Government generally did not permit prison visits by local or international human rights groups; however, in 1998 the Government began to permit some independent monitoring of conditions in detention facilities by international groups after the conflict with Ethiopia began. Local groups reportedly were not permitted to monitor conditions in prisons. Beginning on August 8, the Government allowed the ICRC to visit and register civilian detainees in internment camps and prisons, and, beginning on August 30, the ICRC was permitted to visit Ethiopian POW's. In November for the first time, the ICRC was permitted to visit several police stations in Asmara where Ethiopians reportedly were being held. The ICRC was not granted access to approximately 800 Ethiopian detainees, mostly young men, who were being held at the Keren camp prior to their deportation in October.

During the year, the Government reportedly denied officials from the Government of Sudan access to 14 Sudanese prisoners arrested in 1994 (see Section 1.d.).

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes hold persons suspected of crimes for much longer periods. During the year, the Government detained between 10,000 and 20,000 Ethiopians, many of whom were repatriated or deported to Ethiopia. By December the Government reported that approximately 1,500 detainees remained at the Afabet internment camp and that 150 Ethiopians who did not want to leave the country remained at the Alla internment camp.

An unknown number of persons associated with radical Islamic elements or suspected terrorist organizations remained in detention without charge, in some cases for years. There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front, an armed opposition group. Authorities sometimes arbitrarily arrest and detain former combatants or members of the PFDJ who violate an unwritten code of conduct (see Section 1.e.).

In June approximately 200 members of the Kunama ethnic group were detained without charges on suspicion of collaborating with Ethiopian forces (see Section 5). Most were released within a few months; however, at year's end, several Kunamas remained in detention.

At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. Some have been detained for more than 5 years without charge (see Section 2.c.).

During the year, the Government released 6 Sudanese from a group of 20 who reportedly were arrested in 1994. The other 14 Sudanese remained in detention at year's end. Officials from the Government of Sudan reportedly were denied access to these prisoners.

The few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea are subject to detention. The Government grants these deportees documents that identify them as Ethiopians who are permitted to stay in the country (see Section 2.d.). Government and army officials who routinely check the identification cards of citizens in order to find draft dodgers and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service. As a result, they are subject to harassment and detention while the authorities check their status.

There were reports that authorities arrested some Ethiopians in May for raising the Ethiopian flag in public places.

On October 14, authorities detained eight journalists (see Section 2.a.), six of whom were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

During the year, the Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.a., 1.c., and 1.f.). The military police detained persons who had not done their national service, including some disabled and mentally ill individuals who were detained in a camp near Asmara. Those who were deemed unfit for military training by a military medical board were released; the rest were required to fulfill their national service obligations.

In June the Government began detaining Ethiopians in large numbers, and detained between 10,000 and 20,000 Ethiopians during the year. Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, Adi Abieto, and Wekerti (see Section 1.c.). There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c.). By December the Government reported that most of these camps were shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla. An unknown number of Ethiopians, particularly men, also were held in police stations, prisons, and jails in Asmara. The Government stated that Ethiopians detained in such places were being detained either for their own protection, because they had committed a crime, or because they were scheduled for deportation. There was no credible evidence that Ethiopians detained prior to deportation or detained for their protection continued to be held in police stations or jails at year's end.

The Government generally does not use exile as a means of political control; however, in August the Government began deporting and repatriating Ethiopians to Ethiopia. At year's end the Government had returned more than 25,000 Ethiopians from Eritrea to Ethiopia. Most of these persons were repatriated voluntarily; however, many were deported forcibly. Only about half of these returns were conducted with ICRC participation (see Section 2.d.). Ethiopian women in Asmara working as barmaids, prostitutes, and housemaids were singled out for detention and deportation to Ethiopia (see Section 5). In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions without the participation of the ICRC. On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees had to march for 18 hours straight. Due to the long walk or dangerous river conditions, many of the deportees were forced to leave their belongings behind during deportations. In August the Government stated its intention to refrain from additional repatriations except under ICRC auspices.

*e. Denial of Fair Public Trial.*—The judiciary is formally independent; however, it is weak and subject to executive interference. The continued use of an executive special court system allowed ongoing executive interference with the judicial process. In addition the judiciary relies on the Ministry of Justice for logistical and salary support, thereby further limiting the judiciary's independence.

The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and the High Court, which also serves as an appellate court. The still developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limit the State's ability to grant accused persons a speedy trial. Although 16 new courthouses were completed in 1998, further development of the judicial infrastructure was constrained due to the conflict with Ethiopia. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government has developed new commercial, penal, and criminal codes, which were ready for ratification by the National Assembly at year's end, although such ratification had not occurred by year's end. A new civil code is expected to be completed by 2001.

Under the legal system, minor infractions are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge; on the High Court, panels of three judges hear cases. Defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who are unable to afford legal counsel. Defendants may appeal verdicts to a High Court panel, which is composed of the High Court president and four other judges.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, who are appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, hear civil cases. Magistrates versed in criminal law hear criminal cases. Many local issues—for example, property disputes and most petty crimes—are adjudicated by local elders according to custom. In the case of Muslims, civil cases are heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offers training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service due to the border conflict with Ethiopia has had a significant negative impact on the judiciary. The High Court was reduced from seven benches to three benches and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases. However, during the year some court personnel were permitted to return to work.

In February 1997, the Defense Minister created a special court system, ostensibly to reduce a growing backlog in the civilian court system; however, in practice, the special courts, which ban defense counsel and the right of appeal, allow the executive branch to mete out punishment without respect for due process. Judges in the special courts are senior military officers, most of whom have little or no legal experience. The special courts have jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decides which cases are to be tried by a special court. The Attorney General also may allow the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handle crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often are held to a stringent unwritten code of conduct, and violations of this code are handled by special courts outside the normal judicial process. Those accused of violating this circle of trust have been arrested and held without formal charge (see Section 1.d.).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government at times infringed on the right to privacy. Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government generally does not bother to obtain warrants and there were reports that the Government monitored some international telephone calls. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance. The Government has the author-

ity to ban the import of any foreign publication; however, it has not yet done so (see Section 2.a.).

In July there were credible reports that the Government impeded communication between Eritrean POW's being held in Ethiopia and immediate family members in Eritrea.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being exploited efficiently (see Section 5).

During the year, military police were deployed in Asmara to find deserters and draft dodgers. Members of the force carried out frequent document checks and routinely detained individuals of military age who had not done their national service (see Section 1.d.).

In August the Government shut down all businesses in Asmara that belonged to Ethiopians with only a few days' notice: approximately 300 businesses owned by Ethiopians were shut down. The Government gave Ethiopians occupying government-owned housing a 1-month notice to vacate. The Government reportedly also froze some bank accounts and seized some assets belonging to Ethiopians. Some Ethiopians had difficulty renewing business licenses, driving licenses, resident permits, or leases. A significant but unknown number of Ethiopians were fired or lost their jobs because of their nationality; in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or whose businesses were shut down.

During the fighting in May and June, Ethiopian forces looted and caused significant damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the homes of government officials.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricts these rights, although it did so to a lesser extent than in the previous year. The Government uses the libel law to intimidate journalists. The editor-in-chief of the independent newspaper Katedebana so far has been charged in seven libel cases; the cases were suspended pending the editor's return from serving a sentence for hard labor for leaving his post without proper leave papers. In 1999 the Government arrested an editor who refused to disclose the address of a reader whose letter to the editor criticized the commercial practices associated with Saudi Airlines operations in the country. He was rearrested briefly in late 1999 for additional questioning, and the Government brought more charges against him, some of which later were dropped. At year's end, the Saudi Airlines case and six other government charges of libel against the editor remained pending, and trial proceedings were suspended indefinitely when the editor was inducted into the army. While the Government has tolerated increased public debate over government decisions since the outbreak of conflict with Ethiopia, the media continues to practice self-censorship due, in part, to fear of Government reprisals.

In August the Government arrested and detained for a day without charge the editor of the independent newspaper Zemen, allegedly for having expired leave papers.

On October 14, authorities from the Ministry of Defense detained eight independent journalists, ostensibly to verify their draft status. Observers believe that the journalists were detained because their newspapers had been calling for access to National Assembly deliberations. Six of the journalists were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

Some journalists claim that they were targeted unfairly for the draft and complained of routine harassment by unknown individuals who they believe work for the Government. These journalists also allege that they received threatening telephone calls and that unidentified individuals showed up at their offices and threatened them.

The Government controls much of the media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There are no private radio or television stations. The Government has the authority to ban the import of any foreign publication, although it has not done so. The press proclamation issued in 1996 forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies. In theory nonreli-

gious print media are free to criticize the Government. Nonetheless, criticism tends to be limited and fairly mild, and the media practices a great deal of self-censorship.

The Government's press proclamation allows individuals to publish newspapers, and private newspapers and magazines began publishing at the end of 1997. At year's end, there were nine independent newspapers and magazines operating. Four independent newspapers or magazines closed during the year when all of their reporters were called up for military service. Three independent newspapers, Setit, Kastedebana and Tsighenai, each have a circulation of 15,000. The pro-Government publication of the PFDJ's National Union of Eritrean Youth and Students, Trgta, has the widest circulation at 20,000. The press proclamation does not allow private ownership of any broadcast media or foreign influence or ownership of any media. The proclamation requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters must register with the Ministry. The Government also may punish "whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities," and forbids the publication of any subject matter that contravenes general morality. While there was no direct government censorship of the independent press during the year, the Government continued to exert pressure on the independent press through advice and warnings.

In 1999 the Government began the process of implementing Internet access through its telecommunications system, and with foreign donor assistance, access to the Internet became available in November. There also are two independent Internet service providers.

Although the Government claims that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to students who completed their studies unless they did their national service. In addition, new graduates occasionally were pressured to work for government entities. The University of Asmara was closed formally in May, a few weeks before final exams, due to the fighting with Ethiopia; it reopened in October, although exams were held in June. Students were sent to active duty or to military training.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respected this right in practice. The Government requires a permit from the Ministry of Local Government for a public meeting or demonstration. In general permits are granted freely for nonpolitical meetings or gatherings, and there were no reports that permits for political demonstrations were denied.

The Constitution provides for freedom of association and states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends; however, in practice the Government restricts this right. The Government does not allow the formation of any political parties; however, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. The Government also has stated its opposition to the formation of any party based on ethnicity or religion. In 1999 journalists from the country's 11 independent newspapers formed an organizing committee to establish an independent journalists' organization. In October 1999, they filed for a license with the Ministry of Local Government; however, the Government refused to issue a license and the group had not formed by year's end.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricts this right in the case of Jehovah's Witnesses. The Constitution provides for the "freedom to practice any religion and to manifest such practice," and Islam and most forms of Christianity are practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government continued to harass, detain, and discriminate against members of the small community of Jehovah's Witnesses because of their refusal to perform National Service.

In 1994 in accordance with a presidential decree, the Government revoked the trading licenses of some members of Jehovah's Witnesses and dismissed most of those who worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for many members of Jehovah's Witnesses, especially former civil servants and businessmen. In April 1997, the government labor office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were members of Jehovah's Witnesses. In addition to these measures, members of Jehovah's Witnesses also often are denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion.

Most members of Jehovah's Witnesses refused on religious grounds to vote in the referendum on independence and have declined to participate in national service. This spurred widespread criticism that members of Jehovah's Witnesses collectively

were shirking their civic duty. Some Muslims also have objected to universal national service with regard to the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow alternative service. Although persons from other religious groups have been punished in past years for failure to participate in national service, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, been evicted from government-owned housing, and been denied passports, identity cards, and exit visas. However, there were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. Jehovah's Witnesses have several churches and members are not barred from meeting in private homes.

In 1998 several members of Jehovah's Witnesses were arrested for failure to comply with the national service law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals had been detained for varying period of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials have denied that any members of Jehovah's Witnesses were being held without charge, although they acknowledge that some members of Jehovah's Witnesses, and a number of Muslims, are in jail serving sentences for convictions on charges of evading national service. There is no indication that any persons are detained or imprisoned solely because of their religious beliefs or practices; however, the Government has singled out members of Jehovah's Witnesses for harsher treatment than that received by members of other faiths for similar actions.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to do their military service (see Section 1.c.).

Unlike in previous years, there is no evidence that the Government discourages proselytizing by members of one faith among adherents of another.

In a 1995 proclamation, the Government described specific guidelines on the role of religion and religiously affiliated NGO's in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. The 1995 Proclamation bans religious organizations from involvement in politics and restricts the right of religious media to comment on political matters. Pursuant to the 1995 proclamation, religious organizations are permitted to fund, but not initiate or implement, development projects; however, this proclamation was not enforced in practice—several religious organizations executed small-scale development projects without government interference. The 1995 proclamation also sets out rules governing relations between religious organizations and foreign sponsors.

In 1998 authorities informed all religious organizations that all schools run by religious denominations providing general education would be incorporated into the public school system. At the time, it was not made clear whether the religious authorities would continue to administer the curriculum with government oversight or whether the school faculty would be absorbed into the Ministry of education. However, no action was taken to implement this initiative because of the outbreak of the border conflict with Ethiopia. In 1998 the Government decreed that religiously affiliated organizations were prohibited from running kindergartens; however, this decree still had not been implemented by year's end. According to officials in the Religious Affairs Office, the Government is expected to allow religious schools to operate independently as long as they adhere to a standard curriculum.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for the rights of movement and emigration; however, while citizens can travel freely within the country and change their place of residence and work, authorities restrict freedom of movement and emigration in practice. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons. Beginning in March, military police periodically set up numerous roadblocks in Asmara and other cities to find draft dodgers and military deserters (see Section 1.d.); however, the number of such roadblocks was reduced significantly by year's end.

During the year, the Government repatriated or deported more than 25,000 Ethiopians from Eritrea to Ethiopia (see Section 1.d.). Most of those who left the country were repatriated voluntarily; however, many were deported forcibly (see Section 1.d.). Among the deportees were women who alleged that they were prevented from tak-

ing their children with them because their fathers were Eritreans (see Section 5). An estimated 40,000 to 50,000 Ethiopians remain in the country. Only about half of the returns were conducted with ICRC participation. In September the Government declared that it would conduct future repatriations only with the participation of the ICRC; however, while the Government generally abided by this declaration, on October 14, 800 Ethiopians were deported from the Keren camp without ICRC participation. The Government stated publicly on several occasions that it had not adopted a policy of deporting all Ethiopian nationals from the country.

Clashes between government forces and EIS members in 1997 led the Government to restrict travel along much of the border with Sudan. Some areas remain heavily mined, a legacy of the war for independence, and occasionally new mines are set by the EIS or others, leading to additional travel restrictions (see Sections 1.a. and 1.c.).

Some Ethiopians had difficulty renewing residence permits and were subject to detention when stopped by authorities with an expired residence permit (see Section 1.d.). In general Ethiopians were able to get exit visas.

Citizens largely are free to travel outside the country after obtaining an exit visa, although members of Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and those who have not completed national service have been denied passports or exit visas. In addition as a result of the conflict with Ethiopia, the Government increasingly denied exit visas to some young men and women, apparently on the ground that they were approaching the age of eligibility for national service.

In general citizens have the right to return; however, Eritreans must show proof that they paid a 2 percent tax on their annual income to the Government of Eritrea while living abroad in order to receive government services upon their return to the country. Instances in which citizens living abroad have run afoul of the law, have contracted a serious contagious disease, or have been declared ineligible for political asylum by other governments are considered on a case-by-case basis.

The border with Ethiopia was closed in May 1998, due to the outbreak of war, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in Eritrea. As many as 75,000 Eritreans or Ethiopians of Eritrean origin have been deported from Ethiopia. The deportees, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with internally displaced persons (IDP's) before being settled among the general population. In order to facilitate the deportees' integration into society, the Government provided them with documentation good for 6 months that identified them as deportees. If, during that time, the deportees could find three Eritrean witnesses willing to testify to their Eritrean ties, the Government issued them documentation of Eritrean nationality; they then are considered to be permanent citizens. For the small minority of deportees who cannot demonstrate Eritrean ties, the Government grants them identity documents that specify that they are Ethiopian, but they are permitted to stay in the country. At times, these deportees are subject to harassment and detention by military authorities (see Section 1.d.). Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service.

Approximately 1.1 million citizens have been displaced internally as a result of the conflict with Ethiopia. At year's end, approximately 243,000 IDP's were in 25 camps in the Debub, Gash-Barka, and Northern Red Sea zones, and there were approximately 100,000 IDP's outside of the camps. Camp facilities are basic, but conditions generally are adequate.

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to Somali and Sudanese refugees during the year. In May when fighting resumed with Ethiopia, there were 750 Sudanese refugees at the Elitte camp and 2,300 Somali refugees at the Harsile camp near the port of Assab. During the fighting, 1,228 Somali refugees were evacuated from the Harsile camp to the Emkulu camp near Massawa and another 972 were sent to Yemen and Djibouti by the UNHCR. The remaining 100 Somali refugees chose to remain in Assab. The ERREC, a government agency, is the principal Eritrean organization responsible for refugee and internally displaced issues.

In May the Government was scheduled to repatriate long-term Eritrean refugees from Sudan; however, the repatriations were postponed after the fighting with Ethiopia resumed. During the year, approximately 50,000 additional Eritreans from towns and villages in the southwest of the country fled to Sudan. By year's end, nearly all of these refugees in Sudan had returned to their villages or were in dis-



placement camps inside Eritrea. The estimated 136,000 long-term Eritrean refugees in Sudan remained there at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government*

Although the Constitution provides for this right, citizens have not been able to change their government in multiparty elections. Authority within the Government is held very narrowly among a small cadre of former fighters. The Government is dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which over 99.8 percent of voters chose an independent Eritrea managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. Elections, originally scheduled for 1997, have never been held. An electoral commission was established in 1997 to draft an electoral code for 1998 elections, but accomplished little because of the outbreak of the conflict with Ethiopia, and elections again were postponed. The only political party permitted to operate is the PFDJ, and there are no opposition parties active domestically (see Section 2.b.). During the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties; National Assembly elections are scheduled to take place in 2001.

Women are underrepresented in government and politics. In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress, held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee) and hold several senior government positions, including the positions of Minister of Justice and Minister of Labor. By law a third of regional National Assembly seats are reserved for women, and women also are able compete for the non-reserved seats.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Ministry of Foreign Affairs and the Ministry of Local Governments jointly are responsible for handling human rights inquiries. All NGO's must register with the ERREC; there were 36 non-domestic NGO's operating in the country, the majority of which are involved in emergency assistance. A local human rights organization, Citizens for Peace in Eritrea (CPE), formed in 1998 to investigate and publicize Ethiopian deportations of Eritreans, was registered in July as a local NGO and broadened its mandate to include other human rights problems. In June the CPE issued a statement appealing to citizens and the Government to safeguard the human rights of Ethiopians living in the country.

In 1995 the Government proclaimed that religious organizations, including religious-based NGO's, could not engage in development activities; however, this proclamation never has been enforced in practice. In addition the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) continued to coordinate the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A 1998 decree prohibiting religiously affiliated organizations from running kindergartens has not been implemented yet (see Section 2.c.).

A governmental proclamation issued in 1996 required that all private NGO's hire only those who have completed their national service; however, this proclamation was not enforced in practice. This proclamation was part of the Government's effort to provide benefits to citizens who have served in the military.

In January 1998, the Government ordered most of the country's remaining NGO's to close down their programs, allegedly because they wasted too much money on administrative costs. Most NGO's left in 1998; however, several NGO's began returning in 1999 when the Government sought to encourage greater NGO participation in development and humanitarian aid. At year's end, there were 36 non-domestic NGO's operating in the country.

Most international human rights organizations are not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 243,000 persons displaced by the conflict with Ethiopia. However, the ICRC was not permitted to visit Ethiopian civilian detainees until August 8 and was not permitted to visit Ethiopian POW's until August 30 (see Section 1.c.), nor was it granted access to Ethiopian detainees held in several jails in Asmara until November (see Section

1.c.). In September the Government agreed to conduct future repatriations of Ethiopian civilians under ICRC auspices and to allow the ICRC to organize the return of Ethiopian POW's held in Eritrea; however, while the Government generally abided by this declaration, on October 14, 881 Ethiopians were deported from the Keren camp without ICRC participation (see Section 2.d.).

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution and the transitional civil code prohibit discrimination against women and the disabled, and the Government generally enforces these provisions.

*Women.*—The Government has taken a firm public stance against domestic violence; however, observers believe that violence against women, particularly in highland areas, is pervasive. Spousal abuse, especially wife beating, is common; however, domestic violence seldom is discussed openly by women because of societal pressures. Such incidents more commonly are addressed, if at all, within families or by religious clergy.

The Government consistently has advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. In 1994 the Third Party Congress advocated more rights for women, including parity in the right to land and other property. However, much of society remains traditional and patriarchal, and generally women do not enjoy a social status equal to men. The law provides a framework for improving the status of women, but laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

When the Government began detaining and returning Ethiopians to Ethiopia in June, authorities singled out young Ethiopian women, particularly prostitutes, barmaids, and waitresses, for detention and involuntary deportation (see Section 1.d. and 2.d.); reportedly this was due, in part, to the fear that these women spread HIV/AIDS. Reportedly those women who could demonstrate that they had a child with an Eritrean father were permitted to remain in the country. However, other female deportees alleged that they were prevented from taking their children because the fathers were Eritreans.

The law requires that women between the ages of 18 and 40 participate in the active national service program, and during the year, women were engaged in fighting in the conflict against Ethiopia. However, in 1999 the Government began moving more women away from direct combat roles and reassigned them to other responsibilities, including training and operation of heavy equipment.

*Children.*—The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covers child care, counseling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven is compulsory and free; however, education above grade seven is neither free nor compulsory, and while the situation has improved, there is a shortage of schools and teachers at all levels. According the Ministry of Education, only 37 to 38 percent of children attend school. Approximately 75 percent of the population are illiterate. In rural areas, young girls usually leave school early to work at home.

A small number of children under the age of 18 entered military service, usually because of a lack of a birth certificate or other identification. When soldiers were found to be under the age of 18, they were removed from service.

Child abuse is not thought to be common; however, female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, with estimates placing the number of women and girls who have been subjected to FGM at 95 percent. FGM is practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation—the most severe form of FGM—is practiced. There is no law prohibiting FGM; however, the Government has worked to combat officially the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsored education programs that discourage the practice. The U.N. Population Fund, through the Ministry of Health, sponsors reproductive health projects that provide training and awareness programs that focus on the negative physical and psychological impacts of FGM.

*People with Disabilities.*—The long war for independence and the conflict with Ethiopia left thousands of men and women physically disabled from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these disabled fighters, who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for the disabled to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for disabled persons.

*Religious Minorities.*—Societal attitudes toward members of Jehovah's Witnesses are the exception to a widespread religious tolerance. Members of Jehovah's Witnesses generally are disliked and face some societal discrimination because of their refusal to participate in the independence referendum in 1993 and to perform national service, a refusal that is seen widely as unpatriotic. However, the level of societal discrimination against Jehovah's Witnesses has declined since the previous year.

*Racial/Ethnic Minorities.*—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups in the country and which are concentrated primarily in the west. Because of the existence of a Kunama opposition group operating in Ethiopia and supported by the Ethiopian Government, some Kunama in Eritrea are suspected of supporting or having sympathies with the Ethiopia Government. During the fighting from May to June, Ethiopian forces occupied many areas inhabited by Kunamas; following the withdrawal of Ethiopian troops, some Kunama were accused of collaborating with the Ethiopian troops or of looting of property. In June approximately 200 Kunamas were detained without charges on suspicion of collaborating with the Ethiopian forces (see Section 1.d.). There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being efficiently exploited. There also is some societal discrimination against Kunamas due to the fact that Kunamas are seen, ethnically and culturally, as different from the majority of citizens.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Some government policies restrict free association or prevent the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of twenty or fewer persons seeking to form a union; the Government opposed the creation of a press association during the year (see Section 2.b.).

Proclamation 8 of 1991 provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintains a close affiliation with the Government, and its leadership consists of high-ranking PFDJ members. The NCEW represents over 25,000 workers from 250 unions and receives some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

Unions may affiliate internationally, and all five workers' federations within the NCEW maintained affiliations with international unions during the year.

*b. The Right to Organize and Bargain Collectively.*—In 1993 the ILO began assisting the Government with a draft labor code, which prohibits antiunion discrimination by employers, allows groups of 20 or fewer workers to organize without Ministry of Labor approval, and establishes a new tripartite mechanism for resolving disputes; however, the code had not implemented by year's end. Under the new labor code, a tripartite board composed of workers, employers, and Ministry of Labor officials is to work to resolve differences. Under the labor law in force during the year, disputes are taken to court. During the year, the NCEW brought 65 cases to court, while an additional 75 NCEW cases remained pending or were settled through conciliation by the Ministry of Labor at year's end.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, there were reports that some Ethiopian civilian detainees were forced to perform paid farm labor and road repair. POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 1.c.). All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which includes military training as well as civic action programs. High school students also are required to participate in a paid summer work program.

The Constitution prohibits forced or compulsory labor by children, and there were no reports that it occurred.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law also prohibits apprentices under 18 years of age from performing certain dangerous and abusive labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections are infrequent. According to the Ministry of Education, only 37 to 38 percent of children attend school due, in part, to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children work as street vendors of cigarettes, newspapers, or chewing gum. Children also work as child-minders, traders, and domestic accountants and in small-scale manufacturing. There were reports that the Government inadvertently employed children under the age of 18 as soldiers (see section 5).

The Government has not yet ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced or bonded labor, including that performed by children, and there were no reports that it occurred (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There are two systems that regulate employment conditions—the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages vary from \$34 to \$400 (320 to 3,800 nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage in the civil service sector does not provide the average worker and family with a decent standard of living.

The standard workweek is 44<sup>o</sup> hours, but many persons work fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers are allowed 1 to 1<sup>o</sup> days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that such trafficking occurred to, from, within, or through the country.

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## ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government. Prime Minister Meles Zenawi leads the Government of the Federal Democratic Republic of Ethiopia. In May the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won general elections to the federal and regional parliaments. The elections were the second held based on an organizational concept of ethnic federalism incorporated into the 1994 Constitution. Most opposition political parties competed in the May election; however, due to lack of funds and often weak political organization, opposition parties contested only 20 percent of the seats to the federal parliament. EPRDF and affiliated parties hold 518 seats in the 547-seat federal parliament. EPRDF and affiliated parties also hold all regional parliaments by large majorities, although opposition parties hold approximately 30 percent in the Addis Ababa region council and 9.5 percent in the southern region council. According to international and local observers, the elections were generally free and fair in most areas; however, serious election irregularities occurred in the Southern Nations and Nationalities Peoples' Regional State (SNNPRS or southern region), particularly in Hadiya zone. The National Electoral Board (NEB) investigated complaints of the irregularities and determined that many of them had merit. The NEB conducted new elections in June in the SNNPRS, which were determined to be relatively free and fair by international observers, and resulted in the opposition winning 29 seats in the federal parliament and 33 seats in the region council. The principal faction within the EPRDF remains Prime Minister Meles' Tigray Peoples' Liberation Front (TPLF). Federal regions, largely organized along ethnic lines, increasingly are autonomous and have a large degree of local control over fiscal and most political issues. However, the relationship between the central government and local officials and among various judiciaries lacks consistent coordination, and occasionally actions are taken at the local level that conflict with stated federal policy. Highly central-

ized authority, poverty, civil conflict, and unfamiliarity with democratic concepts combine to complicate the implementation of federalism. The federal Government's ability to protect constitutional rights at the local level is limited and uneven. Local administrative, police, and judicial systems remain weak throughout the country. The judiciary is weak and overburdened but continued to show signs of independence.

The Government's security forces consist of the military and the police, both of which are responsible for internal security. The police, which are subordinate to the Ministry of Justice, report to the Security, Immigration, and Refugees Affairs Authority (SIRAA). The military consists of both air and ground forces and reports to the Ministry of National Defense. There was renewed fighting in May and June between Ethiopian and Eritrean armed forces. In June the two countries signed a cessation of hostilities agreement and, on December 12, signed a formal peace treaty. In 1998 when the conflict with Eritrea broke out, military forces assigned to help police and local militia in the Gambella and Benishangul-Gumuz regions establish order, control banditry, and curtail rebel activities, were redeployed to areas bordering Eritrea. Without the military's assistance, these areas once again experienced a breakdown in law and order. There was increased internal military presence in some parts of the Somali region and Oromiya. Military forces conducted an increased number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al'Ittihad terrorist organization, and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. Some local officials and members of the security forces committed human rights abuses.

The economy is based on smallholder agriculture, with more than 85 percent of the estimated population of 63 million living in rural areas under very basic conditions. Agriculture accounts for approximately 80 percent of total employment. Per capita gross national product is estimated at \$100 per year. The real gross domestic product growth rate was estimated at 4.6 percent for the year. Total exports increased from between 2.9 and 6.9 percent over the previous year. Exports consist primarily of coffee, chat, hides, skins, beans, and oilseeds. Coffee accounted for 60 percent of the value of exports during the year, 60 percent of the value of 1999 exports and 70 percent of 1998 exports. The conflict with Eritrea led to increased military spending. Military spending from July 1999 to July 2000 was \$830 million dollars (6.8 billion birr). The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment. In December 1999, the customs authority introduced a 10 percent surtax on most imports to raise funds for the military; however, the surtax was rescinded as of January 1, 2000.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of extrajudicial killings and at times beat and mistreated detainees. Prison conditions are poor. Arbitrary arrest and detention and prolonged pretrial detention remained problems. The Government continued to detain persons suspected of sympathizing with or being involved with the OLF. The Government continued to detain and deport without due process Eritreans and Ethiopians of Eritrean origin. Since the outbreak of the border conflict in May 1998, as many as 75,000 such persons have left Ethiopia for Eritrea; the vast majority were deported, although a small number left voluntarily. However, the Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. Another 1,200 male Eritreans and Ethiopians of Eritrean origin were being held in internment camps at Dedesa at year's end. Although prompted by national security considerations, the expulsions and detentions raised fundamental concerns regarding arbitrary arrest and detention, forced exile, the forcible separation of families, and nationality issues, as well as the hardships and financial losses suffered by those who were detained or expelled. Despite some efforts, the judiciary continued to lack sufficient trained staff and funds, which limited its ability to provide citizens the full protection provided for in the Constitution. During August and September, the federal courts were able to reduce the backlog of court cases by approximately a third. The judiciary also showed some signs of growing independence. The Government infringed on citizen's privacy rights, and the law regarding search warrants was ignored widely.

The Government restricts freedom of the press and continued to detain or imprison members of the press; however, fewer journalists were detained than in previous years. Most were accused or convicted of inciting ethnic hatred, committing libel, or publishing false information in violation of the 1992 Press Law. Journalists continued to practice self-censorship. The Government at times restricted freedom of assembly. The Government limits freedom of association and, while the non-gov-

ernmental organization (NGO) registration process continued to improve, the Government continued to refuse to register some NGO's. In July legislation to create a constitutionally mandated Human Rights Commission and office of the ombudsman, which was passed in October 1999, entered into force; however, neither entity was operational at year's end. The Government generally respected freedom of religion; however, on occasion local authorities infringed on this right. The Government restricted freedom of movement. The border conflict with Eritrea displaced a large number of persons internally; however, approximately half of the internally displaced persons (IDP's) were able to return home by year's end.

Violence and societal discrimination against women, and abuse of children remained problems. Female genital mutilation (FGM) is widespread. The Government supported efforts to eliminate FGM and other harmful traditional practices. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against disabled persons was a problem. Discrimination against religious and ethnic minorities continued. Child labor, particularly in the informal sector, continued to be a problem. Forced labor, including forced child labor, was also a problem, and there were reports of trafficking in persons.

The Government's Special Prosecutor's Office (SPO) continued conducting the trials of persons accused of committing crimes under the brutal Marxist regime (1974–91) of Colonel Mengistu Haile Mariam. Charges have been brought against 5,198 persons. All have been indicted and arraigned, and the testimony of victims continued to be heard in open court. However, more than half of those accused are not in custody and were charged in absentia. Most SPO detainees have been held in custody for 7 or 8 years awaiting trial and judgment.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—The security forces committed a number of extrajudicial killings, including alleged political killings. In February in Soro, police tortured and killed two farmers—supporters of the opposition—while they were in police custody; the farmers allegedly were arrested for the non-payment of taxes (see Sections 1.d. and 3). No action was taken against the police by year's end. In March in Ambo, police killed a student, Getu Driba, injured 6 others, and detained over 1,000 students and 3 teachers after a demonstration (see Sections 1.c., 1.d., and 2.b.). There was a credible report that in March security forces killed a student who was attempting to assist another person being arrested for the non-payment of taxes (see Section 1.d.). In April in Dembi Dolo, police killed a student during a student demonstration in support of detained Ambo students and teachers (see Sections 1.d. and 2.b.). In May in the SNNPRS region, Hadiya zone, security forces killed two women while they were voting, allegedly because they refused to mark their ballots for an EPRDF candidate (see Section 3). An election observer who saw the bodies stated that the women were shot in the face. A government investigation into the killings was conducted during the year; however, no results were released or further action taken in the matter by year's end. Also in May, according to Beyene Petros, the chairman of the Southern Ethiopian People's Democratic Coalition (SEPDC), police killed seven SEPDC supporters who were protesting outside two polling stations in the south (see Section 3). In December in Awassa, riot police shot and killed a student in a demonstration (see Section 2.a. and 2.b.). In December police reportedly beat to death a man detained allegedly in retaliation for election activities (see Section 1.c.). There also were numerous unconfirmed reports of extrajudicial killings by government security forces from Oromiya and the Somali region.

There were some reports that Ethiopian troops in Somalia killed some civilians during the year. For example, on September 23, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed two persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack.

The Government provided financial support to a coalition of Eritrean opposition groups based in Sudan, which were reported to have laid landmines in Eritrea that resulted in several civilian deaths.

In late November, armed men reportedly from Ethiopia killed nine persons and seriously injured five others in the town of Moyale near the Kenyan border. Local politicians claimed that the attackers had support from Ethiopian security forces; the incident was not resolved by year's end.

There were some deaths in prison during the year due to illness and disease (see Section 1.c.).

In November 1999, student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.d. and 5). Special police units called in to suppress the riot killed up to 10 persons and injured hundreds of others. The Government conducted an investigation into the incident but had not released a report by year's end.

There was no action taken or investigation into reports that in August 1999 security forces fired on a group of Somalis who were protesting the military's occupation of a Somali border town, killing two persons.

In June 1999, a youth attending the funeral of All Amhara People's Organization (AAPO) founder Dr. Asrat Woldeyes was shot and killed by an undercover security officer who subsequently was arrested and charged for the crime. No further action was taken in the case by year's end.

In 1997 the Federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons formally charged with genocide and other war crimes, including extrajudicial killings, under the previous regime (see Section 1.e.). Of the 5,198 persons charged, 2,246 were detained, while the remaining 2,952 were charged in absentia. At year's end, witnesses still were being heard and evidence taken in the ongoing trials. During the year, the Government acquitted and released a number of prisoners for lack of evidence. In November 1999, the Federal High Court handed down a death sentence in absentia to Getachew Tekeba, a former district governor and army lieutenant. Tekeba was convicted of ordering the detention, torture, and execution of five alleged opponents of the Mengistu Government. Tekeba's whereabouts remained unknown at year's end. In November the Federal High Court sentenced Colonel Sileshi Mekuria to life imprisonment for killings he committed while he was head of the palace guards under Mengistu. The Federal High Court also sentenced three former palace guards to 15 years' imprisonment.

During the year, the Ethiopian army reportedly laid landmines in the Eritrean territories that it occupied. During the year, there were approximately 48 reported casualties in Eritrea, including a number of deaths, from landmines and unexploded ordnances; however, in addition to the landmines laid by Ethiopia during the conflict, Ethiopian forces also laid landmines during the Eritrean war for independence, and landmines were laid during the year by an armed group opposed to the Eritrean government. It was not clear which landmines in particular were responsible for the casualties. During the year, Eritrean forces also laid landmines as they withdrew from occupied territories; approximately 100 Ethiopian civilians were killed in landmine explosions from landmines laid by Eritrea.

The OLF and the ONLF regularly used landmines, which resulted in numerous civilian deaths and injuries (see Section 1.c.). Explosions by landmines laid by the OLF and the ONLF were estimated to have killed 2 to 5 persons per month during the year. The OLF has claimed responsibility for several landmine explosions along the railroad line from Addis Ababa to Djibouti, which resulted in between 5 and 15 civilian deaths; OLF responsibility could not be confirmed. For example, during the summer, a freight train was derailed by a landmine explosion near Nazareth; two persons died and several were injured. Observers believe the landmines were laid by the OLF.

Preelection and postelection violence resulted in some deaths (see Section 3). For example, on election day, three persons were killed when an EPRDF member threw a grenade into the home of an opposition party election observer while the observer was in his residence, killing him. In August in the Somali region, nine people, including five election observers, one opposition candidate, and three other passengers, were killed when the cars they in which they were riding were struck by either rockets or landmines. The identity of the perpetrators remained unknown at year's end.

Banditry remained a serious problem in parts of the country. Bandits, often heavily armed, killed civilians during robberies and attempted robberies. Most evidence suggests that their motives primarily were economic.

Ethnic clashes during the year resulted in a number of deaths (see Section 5). The drought has exacerbated tensions between the Oromo Borena community and ethnic-Somali Garre pastoralists in the south, and reportedly at least 150 people have been killed in clashes between the two communities during the year (see Section 5).

*b. Disappearance.*—There were no confirmed reports of disappearances perpetrated by the Government; however, there have been some unconfirmed reports of politically motivated disappearances.

In 1997 the federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons charged with genocide and other war crimes under the previous regime, including the disappearance of 14,209 persons (see Section 1.a.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits the use of torture and mistreatment; however, there were credible reports that security officials sometimes beat or mistreated detainees. Government media published occasional reports of officials who were jailed or dismissed for abuse of authority and violations of human rights. In the fall, police reportedly beat a man who was detained allegedly in retaliation for election activities; he was beaten so severely that he sustained permanent damage. In December police reportedly beat another man to death who was detained for similar reasons (see Section 1.a.)

In March in Ambo, police injured 6 students who were hospitalized for their injuries, killed a student, and detained over 1,000 students and 3 teachers after a demonstration (see Section 1.d. and 2.b.).

In November 1999, student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.d. and 5). Special police units called in to suppress the riot injured hundreds of the demonstrators and killed up to 10 persons. The results of a government investigation into the incident were not released by year's end.

Preelection and postelection violence resulted in some injuries and deaths (see Sections 1.a and 3).

The OLF and the ONLF regularly used landmines, which resulted in numerous injuries and deaths (see Section 1.a). For example, there was a report that a landmine explosion injured a nurse and driver working on the National Polio Immunization Campaign. Landmine explosions derailed cargo and passenger trains on occasion during the year. For example, during the summer, a freight train was derailed by a landmine explosion near Nazareth; two persons died and several were injured (see Section 1.a.). Observers believe the landmines were laid by the OLF.

Ethnic clashes throughout the year resulted in numerous injuries and the deaths of hundreds of persons (see Sections 1.a. and 5).

Prison conditions are poor, and overcrowding remains a serious problem. Prisoners often are allocated fewer than 21.5 square feet of sleeping space in a room that may contain up to 200 persons. Prison food is inadequate, and many prisoners have food delivered to them every day by family members or use their own funds to purchase food from local vendors. Prison conditions are unsanitary, and access to medical care is not reliable. There were some deaths in prison during the year due to illness and disease. Prisoners typically are permitted daily access to prison yards, which often include working farms, mechanical shops, and rudimentary libraries. Visitors are permitted. Prison letters all must be written in Amharic, making outside contact difficult for non-Amharic speakers; however, this restriction is not enforced. Female prisoners are housed separately from men, and rape does not appear to be a problem; however, there was a report in September that a guard raped a female prisoner. The guard was arrested in September and remained in detention pending a trial at year's end.

Approximately 2,000 Eritrean soldiers were captured as a result of fighting conducted during May and June. These prisoners of war (POW's) have been interned in camps in Tigray region, in addition to those captured during earlier combat and imprisoned in a camp at Dedesa. In June 1999, approximately 1,200 internees of Eritrean origin and 172 POW's were moved from the Bilate detention camp to the Dedesa internment camp in western Oromiya. The new camp is in an area less prone to malaria. Conditions in the camp are Spartan, but there are adequate housing, food, water and sanitation facilities. In July 1999, approximately 350 Eritrean POW's were moved from the Tigray region to the Dedesa internment camp. Following the signing of a formal peace treaty on December 12, the Government repatriated 359 severely wounded or ill POW's to Eritrea.

The Government permits independent monitoring of prison conditions and police stations by the International Committee of the Red Cross (ICRC) and by diplomatic missions. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country; in May the Government granted the ICRC access to the Central Investigation Division (CID) detention facility in Addis Ababa, which holds upwards of 200 persons whose cases are under investigation. The ICRC had access to the Tatek military detention facility in the east but not to other military detention facilities where suspected OLF fighters are held. Unlike in the previous year, the ICRC was permitted access once in June to all 29 police stations in Addis Ababa where it identified and registered three individuals of Eritrean origin. The Government generally permitted the ICRC access to detention facilities holding Eritrean POW's, including the main camp at Dedesa. The ICRC also regularly visited civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds.



Government authorities continued to permit diplomats to visit prominent detainees held by the SPO for alleged involvement in war crimes and terrorist activities. These detainees include the former housing ministry official and governor of Sidamo under Mengistu, Abera Yemane-Ab, 1968 Olympic marathon winner Mamo Wolde, and former Addis Ababa university president Dr. Alemayehu Tefera. Ethiopian Teachers Association (ETA) president Dr. Taye Woldeesemayat, now serving a 15-year sentence for plotting violent insurrection, also is permitted visitors from the diplomatic community. However, although a delegation from the international NGO Education International had received visas to visit Dr. Woldeesemayat in prison, they were turned back upon arrival at Addis Ababa airport in June (see Section 6.a.). A second delegation from Education International attempted to visit Dr. Woldeesemayat in December; however, all but one of the delegation members were denied visas (see Section 6.a.).

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and both the criminal and civil codes prohibit arbitrary arrest and detention; however, the Government does not always respect these rights in practice.

Under the criminal procedure code, any person detained must be charged and informed of the charges within 48 hours and, in most cases, be offered release on bail. Those persons believed to have committed serious offenses may be detained for 15 days while police conduct an investigation, and for additional 15-day periods while the investigation continues. Some offenses, such as murder and treason, are not bailable. In practice and especially in the outlying regions, authorities regularly detain persons without a warrant, do not charge them within 48 hours, and—if persons are released on bail—never recall them to court. Thousands of criminal suspects remained in detention without charge; most were accused of involvement in OLF terrorist activities. Often these lengthy detentions are due to the severe shortage and limited training of judges, prosecutors, and attorneys.

Federal and regional authorities arrested and detained persons without charge or trial for activities allegedly in support of armed opposition groups. The vast majority of these incidents took place in the Oromiya and Somali regional states. Approximately 7,500 persons allegedly associated with armed opposition groups remained in detention at year's end. Most detainees were accused of participating in armed actions by the OLF or the ONLF. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them.

In August Dr. Moga Frissa, vice president of Mecha-Tulema, an Oromo civic organization, was arrested on charges of involvement with the OLF. The police and prosecutor charged Moga with subversion and aligning with a terrorist organization; however, the judge in this case did not accept the charges and ordered Moga released. Dr. Moga was released on September 24.

There were reports that in June, soldiers arrested 200 persons in Malka Jabdu near the site of a landmine explosion that derailed a train in May (see Section 1.c.). The individuals arrested were mostly OLF or suspected OLF members.

In February in Soro, police tortured and killed two farmers—supporters of the opposition—while they were in police custody (see Sections 1.a. and 3).

In March in Ambo, police detained over 1,000 students and 3 teachers, injured 6 students, and killed a student after a demonstration (see Section 1.c. and 2.b.). Most of the students were released after questioning, and all of the students and teachers were released by year's end.

In December ethnic tensions between Oromo and Tigrayan students at Addis Ababa University led to some fighting and vandalism, and authorities arrested some Oromo students (see Section 5). The Oromo students claim that the arrests were out of proportion to their involvement in the fighting.

In August authorities arrested the official driver of the Eritrean Embassy. He remained in detention at year's end; however, no further information on his case was available.

There were credible reports that local authorities in the Oromiya, Amhara, and southern regions periodically arrested and detained supporters of opposition parties in the period prior to and following the May elections (see Section 3). For example, approximately 500 Hadiya Nation Democratic Organization (HNDO) supporters were detained by the police ostensibly on charges of non-payment of taxes and fertilizer loans; most were released just prior to the May elections. There was a credible report that in March security forces killed a student who was attempting to assist another person being arrested for the non-payment of taxes (see Section 1.a.). Representatives of the SEPDC alleged in July that authorities in the southern region detained hundreds of SEPDC supporters in retaliation for voting for the opposition in the May elections (see Section 3). Some of those detained were released,

some were released after paying a fine, and some remained in detention at year's end.

A total of three journalists were detained during the year and five journalists remained in detention at year's end, including four journalists detained in 1997, and one journalist sentenced to a 1-year prison term in June (see Sections 1.e. and 2.a.). In February a journalist was released after the International Federation of Journalists protested her continued detention despite having posted bail in December 1999 (see Section 2.a.). She was convicted in July of having violated the Press Law and was sentenced to 6 months' imprisonment.

In response to attacks by armed opposition groups operating out of Somalia and Kenya (see Sections 1.a. and 1.c.), the Ethiopian military has conducted operations in and around the areas bordering Somalia and Kenya. These operations have resulted in the capture and detention of hundreds of opposition fighters and their suspected supporters on both sides of these borders.

In December 1999, the Government arrested 26 Nuer tribal political activists associated with the Gambella People's Democratic Congress (GPDC); the Government released 12 of the activists, and 14 remained in detention at year's end (see Sections 3 and 5). Some of the activists were arrested for inciting Nuer students in November to demonstrate for the use of the Nuer language in school (see Section 2.b.), while others were arrested on suspicion of supporting the OLF.

In November 1999, student demonstrations against the arrests of two teachers in Sodo in the SNNPRS for objecting to the use of a new language in student textbooks led to widespread weeklong demonstrations and riots (see Section 5). Special police units brought in to suppress the demonstrations killed up to 10 persons, injured hundreds, and arrested up to 1,000 others (see Sections 1.a. and 5). A former Young Men's Christian Association camp in Sodo was used as a temporary detention facility for hundreds of demonstrators. Most of those arrested were released by year's end; however, approximately 50 elders, teachers, and civil servants were charged with subversion and remained in detention pending trials at year's end. Bail was set for the detainees from between \$6,060 to \$12,121 (50,000 and 100,000 birr), but none of the detainees were able to make bail.

In June 1999, ETA president Dr. Woldesemayat was convicted of treason and alleged involvement in an underground terrorist organization and sentenced to 15 years in jail (see Section 6.a.). In handing down the sentence the court referenced two alleged terrorist acts that had been dropped from the list of charges against Dr. Woldesemayat during the trial. Dr. Woldesemayat's attorney appealed the conviction.

The closed trial of 65 Oromos suspected of involvement in OLF terrorist acts and arrested in 1997 and indicted in 1998 continued. Six of the defendants staged a 10-day hunger strike in May 1999 to protest the prison policy of keeping them in handcuffs 24 hours a day. The defendants are no longer kept handcuffed.

In 1997 the SPO formally charged 128 defendants with politically motivated genocide dating back to the 1976 "red terror" (see Section 1.e.). The SPO has the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. In December 1998, the SPO began presenting prosecution testimony in the case of former Addis Ababa University president Alemayehu Tefera, imprisoned since 1993, although the charges on which he originally had been detained were dropped the same year. His petition to separate his case from the 127 other defendants was denied (see Section 1.a.). The court also started hearing testimony in December 1998 on the case of former Olympic marathon champion Mamo Wolde, who was charged with genocide for the state-sponsored killing of 14 teenagers during the prior regime. Wolde has been detained since 1992. Both trials were ongoing at year's end. During the year, the Government freed a number of SPO prisoners for lack of evidence.

Opposition groups allege that some of the persons detained by the SPO are held for political reasons. The Government denies that it holds persons for political reasons.

Some civilian residents of Eritrean origin have been detained since the outbreak of hostilities between Ethiopia and Eritrea. The Government justified these detentions on grounds of security. Approximately 1,200 civilian residents of Eritrean origin remained detained in the internment camps at Dedesa at year's end (see Section 1.c.). The ICRC was conducting interviews with the detainees at year's end to determine their willingness to be repatriated to Eritrea; repatriations for those willing are scheduled to occur in early 2001. There were credible reports that hundreds of other detainees of Eritrean origin were held in police stations for months prior to being deported in 1999. In June for the first time, the ICRC was granted access to all 29 police stations in Addis Ababa (see Section 1.c.). Beginning in April 1999, authorities began releasing Eritrean civilian detainees if they could obtain visas to a

country other than Eritrea. Approximately 90 detainees left Ethiopia in 1999, mostly to other African countries, particularly Uganda and Malawi. However, following a violent confrontation in August in Malawi between some former detainees and Malawi police, the Government reportedly decided to not let detainees travel to other African countries (see Section 2.d.).

Approximately 2,000 Eritrean POW's, captured in fighting between Ethiopia and Eritrea, remained detained at year's end. In December 359 severely wounded or ill POW's were repatriated to Eritrea; the remaining POW's are scheduled to be repatriated in early 2001 under ICRC supervision.

Exile is illegal, and the Constitution provides that citizens shall not be deprived of their nationality against their wills; however, since the outbreak of conflict with Eritrea in May 1998, the Government has detained and deported as many as 75,000 Eritreans and Ethiopians of Eritrean origin on national security grounds. Some of the deportees were voluntary returnees who had requested return to Eritrea; however, the vast majority were deported forcibly. Deportation orders originated from the SIRAA in Addis Ababa. The Government's actions raised serious issues of due process since there were no preliminary hearings to determine the merits of the deportations, no right to counsel was provided to detainees, and detainees only had a very circumscribed opportunity to register protests. In addition the issue of the nationality of Eritrean-origin Ethiopians has not been settled yet. Heads of households were taken without warning, detained, and often deported via overland routes within 48 hours. Remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans. The ICRC monitored the deportation or repatriation of approximately 475 Eritreans or Ethiopians of Eritrean origin during the year; 747 were deported or repatriated without ICRC involvement. The Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. Approximately 400 Eritreans were voluntarily repatriated to Eritrea between June and December. In August 1999, all Eritreans and Ethiopians of Eritrean origin over 18 years of age who had taken part in the 1993 referendum on Eritrean independence were required to register with the SIRAA and complete residence application forms. After registration applicants received identity cards and residence permits valid for 6 months (see Section 2.d.).

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny many citizens the full protections provided for in the Constitution.

Consistent with the Constitution, the Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The federal High Court and federal Supreme Court hear and adjudicate original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary is increasingly autonomous, with district (woreda), zonal, high, and supreme courts mirroring the structure of the federal judiciary. In March the president of the federal High Court created two new three-judge benches at the High Court level to handle criminal cases. The Government has delegated some of the war crimes trials to the supreme courts in the regions where the crimes allegedly were committed.

The Constitution provides legal standing to some preexisting religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law, both parties to a dispute must agree before a customary or religious court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition some traditional courts still function. Although not sanctioned by law, these courts resolve disputes for the majority of citizens who live in rural areas and who generally have little access to formal judicial systems.

The outbreak of hostilities between Ethiopia and Eritrea adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges.

Regional offices of the federal Ministry of Justice monitor local judicial developments, and the regional courts have jurisdiction over both local and federal matters, but the federal judicial presence in the regions is limited nevertheless. Anecdotal evidence suggests that some local officials believe they will no longer be held accountable to a higher authority. For example, during the year local government officials in some areas ignored instructions from the National Electoral Board (NEB)

on the acceptance of candidate endorsement signatures from opposition party candidates (see Section 3).

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledge that the pay scale offered does not attract the required numbers of competent professionals. Senior government officials charged with judicial oversight estimate that the creation of a truly independent and skilled judicial apparatus would take decades. The Government has welcomed foreign financial and technical assistance to accelerate this process. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. Accused persons have the right to be represented by legal counsel of their choice. However, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel. The public defender's office provides legal counsel to indigent defendants, although its scope remains severely limited, especially with respect to SPO trials. The law does not allow the defense access to prosecutorial evidence before the trial.

The Constitution provides that persons arrested have the right to be released on bail. In most cases, bail is set between approximately \$120 (1,000 birr) and approximately \$1,200 (10,000 birr). Since 1999 approximately 50 elders, teachers, and civil servants remained in detention pending trials at year's end because they were not able to make bail (see Section 5). Certain offenses such as capital crimes are not bailable.

Authorities detained hundreds of persons without charge for supposed involvement with the OLF and the ONLF (see Section 1.d.). Such cases often reflect arbitrary actions on the part of local officials but also result from an overburdened and cumbersome judicial system marked by a shortage of trained and competent prosecutors and judges.

The SPO was established in 1992 to create a historical record of the abuses committed during the Mengistu Government and to bring to justice those criminally responsible for human rights violations. The SPO has the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. The federal High Court has considered the cases of 2,658 defendants accused of genocide, war crimes, and aggravated homicide. Trials began in 1994 and continued during the year; however, the process is subject to frequent and lengthy adjournments. Court appointed attorneys, sometimes with inadequate skills and experience, represent many of the defendants, following claims that they could not afford an adequate defense. Of the 5,198 defendants, the Government is trying 2,952 in absentia, including former dictator colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. Cases were dealt with more quickly during the year; however, most cases still were in progress at year's end. No SPO defendant has been released on bail; however, at least 50 defendants were released for lack of evidence or acquitted. Several sentences were handed down during the year, including 5 death sentences, 1 life imprisonment, and at least 27 sentences of imprisonment of up to 15 years (see Sections 1.a. and 1.c.). In July the special prosecutor, Girma Wakjira, was jailed for contempt of court after accusing one of the judges of having participated in abuses under Mengistu; he was released after 2 weeks. The judge in question was transferred to a different (criminal) court, and the president of the federal High Court took his place.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The law requires judicial search warrants; however, they seldom are obtained outside of Addis Ababa in practice. For example, in August Dr. Moga Frissa, vice president of an Oromo civic organization, was arrested without a warrant on charges of involvement with the OLF (see Section 1.d.).

There were credible but unconfirmed reports that in certain rural areas local officials used threats of land redistribution and withholding of food aid and fertilizer to enforce support for the ruling coalition (see Section 3). There also were credible reports that teachers and other government workers have had their employment terminated if they were not of the dominant ethnic group in their region (see Section 5). According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the May elections (see Section 3).

According to a few NGO's, there were reports that the Government had forcibly conscripted young men from eastern and southern states; however, repeated investigations by other international observers found no evidence to support these claims. Ethiopia maintains an all-volunteer military.

During the fighting in May and June, Ethiopian forces looted and caused extensive damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the homes of government officials.

During the conflict with Eritrea, Eritrean and Ethiopians of Eritrean origin have lost their jobs, business licenses, and access to government services including health care facilities, and many were deported without due process (see Section 1.d. and 2.d.). Individuals often were taken without warning and at night, separated from their families, detained, and deported via overland routes within 48 hours. Remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans (see Section 1.d.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the 1992 Press Law provide for the freedom of speech and of the press; however, the Government used legal and other mechanisms to restrict these rights in practice. For example, the Government continued to prosecute journalists and editors for publishing articles that violated the Press Law. Some journalists practiced self-censorship. Nonetheless the private press was active and often published articles extremely critical of the Government.

The Government used provisions of the Press Law concerning publishing false information, inciting ethnic hatred, and libel to justify the arrest of journalists. Three journalists were arrested during the year, and at year's end, five journalists remained in detention. Five journalists were released from detention on bail pending court cases during the year.

Five journalists of the Oromo-oriented private weekly "Urjii," arrested in October and December 1997, are among the group of 65 Oromos indicted for involvement in OLF terrorist activities (see Section 1.d.). Three of these journalists remained in detention at year's end, and their trials for Press Law violations were ongoing. In February a journalist with the newspaper Zegabi was released after the International Federation of Journalists protested her continued detention despite having posted bail in December 1999. In July she was convicted of violating the Press Law for writing an article on OLF activities and was sentenced to 6 months in prison. Former Urjii publisher and president of the Human Rights League, Garoma Bekele, who was sentenced to 1-year's imprisonment in 1999, completed his term in May but was convicted on two more press charges. He remained in prison at year's end, and three other Press Law charges were pending against him. In August Solomon Nemera, deputy editor-in-chief of Urjii, was convicted on three charges of violating the Press Law and sentenced to 2 years' imprisonment and fined approximately \$1,600 (13,000 birr). A fourth unspecified charge was pending against him at year's end.

In December journalist Zemedkur Mogus of the newspaper Atkurot, originally detained for violating the Press Law in 1998, was released on bail. Journalist Melasse Shine of the newspaper Ethop, arrested in November for violating the Press Law, reportedly was released on bail by year's end. Approximately 24 journalists, including Mogus and Shine, who obtained bail still were subject to trial for violations of the Press Law at year's end.

In December 1999, Aberra Wegi, deputy editor-in-chief of Maebel was sentenced to 1-year's imprisonment on charges of publishing false information in a story about the TPLF killing captured government soldiers during the fight against the Derg regime. He was released in February without completing his sentence. In January Tesehalene Mengesha, deputy editor-in-chief of Zegabi, was sentenced to 6-months' imprisonment on charges of violating the Press Law. She had been arrested and released in February on bail of approximately \$250 (2000 birr).

In June Tewodros Kassa, editor-in-chief of Ethiopia, was sentenced to 1-year's imprisonment or a penalty fine of approximately \$1,800 (15,000 birr) on charges of publishing fabricated news in a story about the disappearance of an OLF member.

In January Mekonnen Worku, deputy editor-in-chief of Maebel, committed suicide by hanging himself in his home. The Ethiopian Free Press Journalists Association (EFPJA) released a statement claiming that Worku killed himself because of depression and frustration due to police surveillance. Mekonnen had been detained several times, and new charges were brought against him 3 weeks before his death.

At year's end, 27 journalists remained abroad in self-imposed exile rather than face Press Law charges upon returning. In June Dawit Kebede, editor-in-chief of Fiameta (now defunct), who had 12 press charges pending in court, fled the country. In December Israel Seboka, the editor-in-chief of Seife Nebelbal newspaper, and Samson Seyoum Kebede, the former editor of GOH, fled the country. In 1999

Seyoum had been convicted on charges of incitement to war and attempting to spread Islamic fundamentalism; he was sentenced to 4° years" imprisonment but was released pending an appeal of his conviction. Six charges were pending against Seboka in court, and he had posted bail on two other charges.

Despite the constant threat of legal action, the private press remained active. Many private newspapers continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official sanction. The Government has not banned any newspaper or publication. The office of the Government spokesperson was created in 1998 as a temporary entity responsible for distributing press releases on the border conflict with Eritrea to the Ethiopian news agency, foreign news agencies, foreign embassies, and international organizations. The Government continued to bar some private newspapers and news organizations from attending government briefings and press conferences, and most government officials still refuse to meet with private journalists.

On March 13, after a 7-year wait, EFPJA, which consists of about 80 members from the private press, was registered as a professional association with the Ministry of Justice (see Section 2.b.).

Although most independent newspapers have supported the Government's position on the conflict with Eritrea, the private press remained confrontational and continued to publish articles extremely critical of the Government and continued to report on human rights abuses.

According to the Constitution, citizens generally are free to discuss publicly any topic they choose; however, on occasion the Government restricted this right in practice. The Government opposed the activities and operations of groups critical of the Government such as the ETA and the HRL (see Sections 2.b. and 4). Nevertheless several groups critical of the Government held press conferences and public meetings without retribution. Prior to the national elections in May, a series of political debates conducted in Addis Ababa and in regional towns between the EPRDF and opposition political parties were broadcast over national television; opposition candidates and members of opposition parties voiced sharp criticism of the EPRDF and its policies during the debates.

There are approximately 30 independent political Amharic language weekly newspapers and 6 independent English language weekly newspapers with an estimated total circulation of approximately 160,000. There are 5 EPRDF coalition party newspapers, published in Amharic, Tigrigna, and Oromiffa languages, with a total circulation of 120,000. In September the English thrice-weekly *The Monitor* began publishing on a daily basis, and the first independent daily in Amharic, *Addis Daily*, began publishing.

Nearly all private newspapers as well as state newspapers are printed at one of the state-owned printing presses. In late July, the only two printing presses equipped to print tabloids, including the major state-run *Berhanena Selam* printing press, raised printing costs, because of an increase in the price of pulp and paper in the world market. The majority of private Amharic-language newspapers that are members of EFPJA temporarily stopped publication between September 11 and 18 to protest unsuccessfully against the rise in printing costs.

The Ministry of Information and Culture requires that newspapers show a bank balance of approximately \$1,250 (10,000 birr) at the time of their annual registration for a license. Some of the newspapers that were shut down by the Government for failing to show sufficient bank assets began publishing again during the year under different names and with new licenses.

While much of the private press continues to lack professionalism in its reporting, some print media are developing into more responsible publications. Others actually are opposition newsletters that often purvey unsubstantiated criticism of the Government. Several are tied to distinct ethnic groups, especially the Amharas and Oromos, and severely criticize the Government for being ethnocentric. Newspapers critical of government leaders and their policies are available widely in the capital but scarce elsewhere.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were granted greater access to government officials than were local independent journalists. A number of foreign journalists were allowed to go to the war front under restricted circumstances. About 10 Ethiopian affiliates of foreign news agencies also were permitted to go to the war front in June and July to visit liberated areas and Eritrean POW's (see Section 1.c.). Local journalists representing privately-owned newspapers were denied access to the war front.

Radio remains the most influential medium for reaching citizens, especially those who live in rural areas. The Press Law allows for private radio stations, but there are no truly independent radio stations. Two nongovernmental stations, *Radio Fana*,

a station controlled by the ruling EPRDF coalition, and the Tigray People's Liberation Front (TPLF) radio, which broadcasts in the Tigrigna language from Mekele, have close ties to the Government. In June the state-run Radio Ethiopia began broadcasting news and music on a new 18-hour channel. Broadcasting time is sold to private groups and to individuals who want to buy spots for programs and commercials. The Government operates the sole television station, and news is controlled tightly. In September the state-run ETV started a new entertainment channel, "TV Africa," contracted from a South African company. However, there are no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems are permitted. Internet access is provided through the government-controlled telecommunications company, which maintained a waiting list for new accounts. At the beginning of the year, access was restricted to existing lines while the Government expanded capacity; however, by year's end, new accounts were being issued. The Government issued further regulations for licensing private Internet service providers; however, no private Internet service providers were operating at year's end. Private satellite transmission uplinks generally are not allowed.

In 1999 the Government issued a broadcast proclamation creating a broadcasting authority to review applications for private radio and television licenses; however, the authority had not been established by year's end. The broadcast proclamation prohibits political parties and religious organizations from owning stations; foreign ownership also is prohibited. Private entities that would like to be broadcasters claim that the delay in implementing the broadcast law is deliberate.

The official media, including broadcast, wire service, and print media, legally are autonomous and responsible for their own management and partial revenue generation, although they continue to receive government subsidies. Government reporters practice self-censorship. The Government's press and information department acts as an official spokesperson and implemented the 1996 information policy, which guides contacts among the Government, the press, and the public.

The Government generally respects academic freedom; however, in general, political activity is not encouraged on university campuses. In addition the Government requires that it appoint all deans and the Presidents at all eight public universities. The Ministry of Education has approved the charter for the country's first private university, Unity College, which began to offer a bachelor's degree program in September 1999. In May Unity College began offering a 2-year diploma course in journalism and communication.

In July SEPDC representatives alleged that some teachers in the southern region who served as SEPDC election observers were subject to retaliation by local authorities (see Section 3); teachers reported that they were not able to collect their salaries and that they were denied entry to summer update courses.

On a few occasions, police killed and injured some students during student demonstrations during the year (see Section 1.a., 1.c., 1.d. and 2.b.). For example, in December in Awassa, riot police shot and killed a student who was participating in a demonstration over inadequate school services (see Section 2.b.).

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly; however, on occasion the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify the Government in advance and obtain a permit. While there were no reports that any permits were denied, there were long unexplained delays in issuing permits, which hindered the ability of groups to organize events. EHRCO and some opposition political parties reported that they had difficulties renting halls from local government officials. The ETA was not permitted to organize seminars in the regions, despite Ministry of Education assurances in 1998 that it would be allowed to do so.

In March in Ambo, after a group of students demonstrated to protest the Government's refusal to fund and send them to fight forest fires in Bale zone, police killed a student, injured 6 students who were hospitalized, and detained over 1,000 other students and 3 teachers. Most of the students were released after questioning and all of the students and teachers were released by year's end. In April in Dembi Dolo, police killed a student during a student demonstration in support of detained Ambo students and teachers. In December in Awassa, riot police shot and killed a student who was participating in a demonstration over inadequate school services.

In November 1999, student demonstrations against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots during which police killed up to 10 persons, injured hundreds, and arrested and detained as many as 1,000 others (see Sections 1.d. and 5). Most of those arrested were released by year's end; however, approximately 50 elders, teachers, and civil servants were charged with subversion and remained in detention pending trials at year's end.

In November 1999, Nuer students in the Gambella region demonstrated for the use of the Nuer language in schools (see Section 5). In December 1999, the Government arrested up to 26 Nuer tribal political activists and leaders associated with the GPDC on charges of inciting the Nuer students to demonstrate (see Sections 1.d. and 5.). Twelve were released on bail in 1999, and 14 remained in detention at year's end.

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right in practice. The Government changed its procedures for registration of NGO's in 1996, which improved the NGO registration process significantly; however, a number of policy issues regarding NGO's remain unresolved, and the NGO registration process still was extremely slow. Primary registration rests with the Ministry of Justice. In March after a 7-year wait, the EFPJA, which consists of 80 members from the private press, obtained a certificate of legal recognition as a professional association in March from the Ministry of Justice. The Ministry of Justice recognizes the Ethiopia Journalists' Association, which represents journalists working for government-owned media.

Authorities closed the offices of the HRL in April 1998, on the grounds that some HRL board members wished to use the organization as a front for the OLF. Board members denied any connection to the OLF. The HRL had been operating without a license; however, it had fulfilled the prerequisites for licensing and has been waiting 3 years to get a license (see Section 4). The Government investigation of the HRL was ongoing at year's end, and the contents of its office, confiscated by the Government in 1998, have not been returned.

The Government requires political parties to register with the NEB. Parties that do not participate in two consecutive national elections are subject to deregistration. Registered political parties also must receive permission from regional governments to open local offices. The opposition AAPO complained that in 1999 the Oromiya region government refused its application to open branch offices in the region. There are 58 organized political parties; eight are national parties, and the remainder operate only in limited areas.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, on occasion local authorities infringed on this right.

The Government requires that religious groups be registered. Religious institutions, like NGO's, are registered with the Ministry of Justice and must renew their registration every year. Unlike NGO's, religious groups are not subject to a rigorous registration process. Two religious organizations reportedly have refused to comply with the Government requirement that they register, without consequence. Under current law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The Government does not issue work visas to foreign religious workers unless they are attached to the development wing of a religious organization. Religious groups are not accorded duty-free status; however, with the exception of Jehovah's Witnesses, they are given free government land for churches, schools, hospitals, and cemeteries. Religious groups, like private individuals or businesses, must apply to regional and local governments for land allocation. An interfaith effort was underway at year's end to promote revision of the law in order for religious organizations to obtain duty-free status.

There are more than 6,000 members of Jehovah's Witnesses in the country. The Government continued its policy of not deporting members of Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea.

Evangelical leaders have complained of strict regulations on the importation of bibles, as well as heavy customs duty on bibles and other religious articles; however, bibles and religious articles are subject to the same customs duty as are all imported books and most imported items.

Unlike in the previous year, there were no complaints from Muslim leaders that public school authorities sometimes interfered with their free practice of Islam.

In December Samson Seyoum Kebede, the former editor of GOH, fled the country. In 1999 Seyoum was convicted on charges of incitement to war and attempting to spread Islamic fundamentalism; he was sentenced to 4° years' imprisonment, but was released pending an appeal of his conviction (see Section 2.a.). Under the Press Law, it is a crime to incite one religion against another.

The Government has interpreted the constitutional provision for the separation of church and state to mean that religious instruction is not permitted in schools, whether public or private. Catholic, Orthodox, evangelical and Muslim-owned and operated schools are not permitted to teach religion as a course of study. Most private schools teach a morals course as part of the school's curriculum, and the Government Education Bureau in Addis Ababa has complained that such courses are



not free of religious influence. Churches are permitted to have Sunday schools, the Koran is taught at mosques, and public schools permit the formation of clubs, including those of a religious nature.

Protestant groups occasionally complained that local officials discriminate against them when seeking land for churches and cemeteries. Evangelical leaders complain that, because they are perceived as "newcomers," they remain at a disadvantage compared with the Ethiopian Orthodox Church and the Supreme Islamic Council when it comes to the allocation of land.

While some Pentecostals and evangelicals complained in past years that the police failed to protect them adequately during instances of interreligious conflict (see Section 5), there were no complaints of inadequate police protection during the year. In most interreligious disputes, the Government maintains neutrality and tries to be an impartial arbitrator. Some religious leaders have requested the establishment of a federal institution to deal with religious groups. The Government considered the request but had taken no action to establish such a federal institution by year's end.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement, including the right of travel, emigration, and repatriation; however, the Government restricted these rights in practice. Some AAPO codefendants, convicted in 1998 on charges of treason, completed their prison sentences in 1998 and 1999 but have not been permitted to leave the country. In May the Government denied entry visas to a Norwegian human rights group that wanted to monitor the elections (see Section 3); they were granted visas when they changed the purpose of their trip to academic research.

In principle citizens can freely change their residence or workplace; however, since the outbreak of the border conflict with Eritrea in May 1998, Eritreans and Ethiopian citizens of Eritrean origin were subjected to detention and deportation to Eritrea. By year's end, as many as 75,000 persons had been compelled to leave Ethiopia for Eritrea or had left under adverse conditions since 1998; the vast majority were deported, although a small number left the country voluntarily to join family members who were deported without due process (see Section 1.d.). The Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June. It is estimated that more than 200,000 Eritreans and Ethiopians of Eritrean origin remain in Ethiopia. In 1999 the Government decreed that all Eritreans 18 years of age and above residing in Ethiopia, who either had taken part in the 1993 referendum on the independence of Eritrea from Ethiopia or who had been granted Eritrean citizenship, had to register as aliens with the SIRAA. Those registering would be issued an identity card and given a 6-month residence permit, which was allowed to expire. However, the residence permits did not give individuals access to hospitals or other public services. The Ethiopian passports of residents of Eritrean origin routinely were confiscated or restricted in use for a single exit and no reentry.

Beginning in April 1999, the Government adopted a policy of releasing those Eritrean detainees from the Bilate and Dedesa internment camps who could obtain visas to a country other than Eritrea. Approximately 90 detainees took advantage of this opportunity, with most going to African countries, particularly Uganda and Malawi. However, following an incident in August 1999, in which 25 detainees obtained fraudulent Malawian visas, traveled to Malawi with government-issued laissez-passers and were returned forcibly to Ethiopia after a violent confrontation with Malawi police in which one former detainee was killed and at least six others were injured, the Government reportedly decided not to permit detainees to depart for other countries in Africa.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin have been able to obtain exit visas but often are not permitted to return to the country.

In Addis Ababa and western Gondar in the Amhara region there are very small concentrations of Ethiopian Jews (Falashas) and those who claim that their ancestors were forced to convert from Judaism to Ethiopian Orthodoxy (Feles Mora). Approximately 3,000 Feles Mora migrated voluntarily from the western Amhara region to Addis Ababa in 1991 at the time of "Operation Solomon," when a large number of Falashas were airlifted to Israel. The Feles Mora also seek to immigrate to Israel. The number of Feles Mora in the country is approximately 26,000. Israeli officials evaluate the Feles Mora immigration claims on a case-by-case basis and estimate that by year's end approximately 100 individuals were immigrating to Israel under the law of return each week. All of the eligible Falashas from Ethiopia had immigrated to Israel by December 1999.

During the year, more than 25,000 Ethiopians were deported or repatriated from Eritrea to Ethiopia. These deportees and returnees were initially housed in camps

in Adwa and possibly Adigrat for a few days, before returning to their homes and families.

As a result of the conflict with Eritrea, approximately 343,000 persons have been displaced internally. The Government has presented relief and rehabilitation proposals for these internally displaced persons (IDP's) to bilateral donors and NGO's. By year's end, the Government, with international assistance, returned at least half of the IDP's to their homes and granted other assistance, including food and money, to the remaining IDP's.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally treats asylum seekers fairly and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.

Ethiopia hosts approximately 300,000 refugees; most are from Somalia and Sudan. The Government in cooperation with the UNHCR continues to provide first asylum to refugees from Sudan and Somalia. Along the border of northwest Somalia, 195,345 Somali refugees were resident in 8 camps at year's end, down from 600,000 Somali refugees in 1996. Along the Sudanese border approximately 60,000 Sudanese refugees were resident in 4 refugee camps around Gambella and Asossa at year's end. Approximately 80 percent of the Sudanese refugees are women and children. There are approximately 1,500 Djiboutian Afar asylum-seekers remaining in the country, down from a high of 18,000 when Djiboutian Afars first entered the country in 1993. By year's end, the UNHCR was able to register most Djiboutian Afars in the country, including 1,503 Djiboutian Afars in the area of Assaita, and 57 in other parts of the country. The Afar claim that the Government arbitrarily reduced the estimated number of Afar refugees in the country without evidence that any refugees had actually left the country. These asylum seekers have requested, but never have been granted, formal registration by the Ethiopian Agency for Refugee and Resettlement Affairs (ARRA). Negotiations began in 1997 between the Government and the UNHCR concerning their status and were ongoing at year's end. ARRA conducted an informal registration of Djiboutian Afars in May 1999 without UNHCR involvement.

In November the Governments of Ethiopia and Kenya, with UNHCR facilitation, began a second effort to repatriate approximately 4,800 Kenyan refugees from the Moyale area. By year's end, all of the Kenyan refugees had been repatriated. During the year, the UNHCR facilitated the return of 44,000 Somalis to Somaliland. An additional 8,000 Somalis were resettled from camps in the east in the northern Ogaden region.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens exercised the right to vote for a national government in May, during elections for the House of People's Representatives (HPR). According to observers organized by the Ethiopian Human Rights Council (EHRCO), local U.N. staff, diplomatic missions, political parties, and domestic NGO's, the elections were generally free and fair in most areas; however, serious election irregularities occurred in the SNNPRS region, particularly in Hadiya zone. As a result, the NEB, acting on its constitutional authority, investigated complaints of the irregularities and determined that many of them had merit. These included incidents of election officials instructing voters for whom to vote, candidates campaigning at polling stations, and candidates being pressured into quitting. There were also credible reports of ballot stuffing, vote count fraud, voter intimidation or bribery, dismissals from work, withholding of salaries, detentions, abductions, and killings (see Sections 1.a., 1.c., and 1.d.). The NEB ordered new elections in some areas of SNNPRS that were held in June; they were declared generally free and fair by international observers. The NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end. Elections in the Somali region took place in August, after delays due to a food emergency and voter registration irregularities.

Seventeen opposition political parties contested the May election, including the AAPO, the SEPDC, and the Oromo National Congress. The better-funded and better-organized incumbent party, the EPRDF, generally dominated over candidates of the relatively weaker and less-organized opposition parties and independent candidates, except in the SNNPRS, where the opposition made significant inroads. EPRDF candidates won 481 seats in the HPR, EPRDF affiliate candidates won 37 seats, opposition party candidates won 16 seats, and independent candidates won 13 seats.

The Government made efforts to level the playing field for non-EPRDF political parties, by establishing a donor supported fund for opposition party candidates, providing opposition candidates access to state-owned electronic media, and changing the law to permit civil servants to run for office without first resigning their positions. The Government was willing to engage opponents in open debate at candidate and party forums. Many of these debates were broadcast live on national radio and television and reported on in both government and private newspapers (see Section 2.a.). Free radio broadcast time was set aside for the elections, and 225 independent candidates and 33 political parties made use of it.

By the end of 1999, the NEB had begun investigating abuses of election laws related to candidate registration for the May election in the SNNPRS and the Gambella region. There were credible reports that local officials throughout the country ignored NEB instructions on the acceptance of candidate endorsement signatures from opposition party candidates. There were instances in which the NEB had to force local authorities to accept nominations. There were credible reports that during candidate registration in January, many kebele offices were closed for holidays or were otherwise understaffed, hindering the registration process of opposition candidates. In the Somalia region prior to the August elections, thousands of ballots were reprinted to rectify the fact that a female opposition candidate had not been listed despite having met NEB requirements for candidate registration.

There were credible reports that citizens who tried to register to vote were told by government personnel that they had to prove their citizenship in order to register; under the law only citizens can vote. Reportedly Ethiopians of Eritrean origin were not allowed to register or to vote. In May local officials denied three HNDO observers in possession of valid election authorization letters admission to a Wachara polling station when the ballot box was unsealed. A review of the polling station registration book by a diplomatic election observer indicated that no more than 20 individuals had voted, although the canvas ballot box was filled with ballots. In the Soro zone, there were credible reports of many NEB polling station officials being dismissed shortly before the election and being replaced by local government officials.

In May the Government denied entry visas to a Norwegian human rights group that wanted to monitor the elections; they were granted visas when they changed the purpose of their trip to academic research (see Section 2.d.).

There were credible reports that local authorities in the Oromiya, Amhara, and southern regions periodically arrested and detained supporters of opposition parties in the period prior to and following the May elections. Most of these individuals were eventually released without being charged formally. For example, in February and March, 16 HNDO candidates were arrested. All were released on bail in April; however, while the charges against them have not been dropped, trials are not expected to be held. Three of the candidates were charged with treason for allegedly staging a coup d'etat and for publicly accusing the ruling party of directing most development money to projects in the Tigray region. The coup d'etat charges originated from instances in which HDNO personnel legally voted to replace ruling party personnel in their local peasant association. In addition approximately 500 HNDO supporters were detained by the police in April on charges of non-payment of taxes and fertilizer loans (see Section 1.d.); all were released by the end of that month.

There were a number of killings as a result of preelection and postelection violence (see Section 1.a.). In February in Soro, police tortured and killed two farmers—who supported the opposition—while they were in police custody; the farmers allegedly were arrested for the non-payment of taxes (see Section 1.d.). No action was taken against the police by year's end. The deaths led to clashes between the villagers and the police, during which three police officers were injured. In May in the SNNPRS region, Hadiya zone, security forces killed two women while they were voting, allegedly because they refused to mark their ballots for an EPRDF candidate. An election observer who saw the bodies stated that the women were shot in the face. A government investigation into the killings was conducted during the year; however, no results were released nor further action taken in the matter by year's end. Also in May, according to Beyene Petros, the chairman of the SEPDC, police killed seven SEPDC supporters who were protesting electoral fraud outside of two polling stations in the south. On election day, three persons were killed when an EPRDF member threw a grenade into the home of an opposition party election observer while the observer was in his residence. The observer's son retaliated by killing a polling station official. In May there were reports of at least two other killings in the SNNPRS, in particular in the Gurage Zone. In August in the Somali region, nine people, including five election observers, one opposition candidate, and three other passengers, were killed when the cars they were riding in were struck by either rockets or landmines (see Section 1.a.). The identity of the perpetrators

remained unknown at year's end. In the fall, police reportedly beat a man who was detained allegedly in retaliation for election activities; he was beaten so severely that he sustained permanent damage. In December police reportedly beat another man to death who was detained for similar reasons (see Section 1.a. and 1.c.).

Following the May elections, the SEPDC filed a complaint with the NEB detailing election irregularities in various constituencies of the region. The NEB sent investigators to the region and later ordered that new elections be held in the Hadiya zone on June 25. According to the NEB, problems in other areas were not serious enough to warrant a new election. The NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end.

In July there were credible reports that ruling party personnel withheld fertilizer and food aid in the SNNPRS region as retaliation for voters electing opposition candidates. The amount of government-supplied fertilizer available in the area was reported to have dropped from 100,000 quintals in 1999 to 10,000 quintals during the year, while the price was reported to have increased. Representatives of the SEPDC alleged in July that authorities in the southern region detained hundreds of SEPDC supporters in retaliation for voting for the opposition in the May elections (see Section 1.d.). According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the May elections. SEPDC representatives also alleged that some teachers in the southern region who served as SEPDC election observers were subject to retaliation by local authorities; teachers reported that they were not able to collect their salaries and that they were denied entry to summer update courses.

In December 1999, the Government arrested 26 Nuer tribal political activists associated with the Gambella People's Democratic Congress (GPDC) on charges of inciting Nuer students in November 1999 to demonstrate for the use of the Nuer language in schools (see Sections 1.d. and 5). The GPDC claimed that the charges were without merit and that the Government was attempting to interfere with the political process for the May elections. The NEB sent investigators to the region. Just prior to the May elections, 12 of the 26 Nuer tribal political activists associated with the GPDC were released. The remaining 14 still were in detention at year's end.

Political participation remains closed to a number of organizations that have not renounced violence and do not accept the Government as a legitimate authority. These groups include MEDHIN, the Coalition of Ethiopian Democratic Forces, the Ethiopian People's Revolutionary Party, the OLF, some elements of the ONLF, and several smaller Somali groups. The AAPO complained that in 1999 the Oromiya regional government refused its application to open branch offices in some areas of the region (see Section 2.b.).

Neither law nor practice restricts the participation of women in politics; however, women are underrepresented in government and politics. One of the 15 members of the Council of Ministers is a woman; 2 other women hold Ministerial positions; and a number of other women hold senior positions. There are 42 women among the 547 members of the HPR, and 10 of 113 members in the House of Federation are female, including the Speaker of the House. There are three women on the Supreme Court.

The government policy of ethnic federalism led to the creation of individual constituencies to help ensure representation in the HPR of all major ethnic groups; however, small ethnic groups were not represented in the legislature. There are 23 nationality groups in 6 of the regional states that do not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 547-seat HPR in the May elections.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights organizations include EHRCO, the HRL, the Ethiopian Women's Lawyers Association, the Inter-Africa Group, the National Committee on Traditional Practices, the Peace and Development Committee, the Society for the Advancement of Human Rights Education, Enwayay, the Center for Local Capacity Building and Studies, African Initiatives for a Democratic World Order, and Hundee. These and numerous other groups primarily are engaged in civic and human rights education, legal assistance, and trial monitoring. The HRL, founded by prominent Oromo civic leaders in 1997, still was being investigated by the Government at year's end for its alleged ties to the OLF. Authorities closed the offices of the HRL in April 1998 and confiscated the contents of its offices, which have not been returned (see Section 2.b.). In October 1999, the Ministry of Justice decertified the Ethiopian Congress for Democracy, reportedly for financial irregularities.

In March 1999, 160 domestic and international NGO's signed a code of conduct and formed a code observance committee. The code details standards of conduct for numerous areas including moral and ethical integrity, transparency and accountability, good governance, gender equity, and environmental consciousness. The code observance committee, composed of five members elected by the NGO general assembly and two representatives from civil society at large, hears and decides matters in all instances involving a violation or breach of the code.

The ICRC was able to carry out more of its normal program of registration and intervention than in the previous year. The ICRC conducted regular visits to detention centers and prisons throughout the country and in May was permitted access to the CID detention facility in Addis Ababa, which holds upwards of 200 persons whose cases are under investigation (see Section 1.c.). The ICRC was granted access to the Tatek military detention facilities but not to other military detention facilities where suspected OLF fighters are held. The ICRC visited the Dedesa POW internment camp and police stations in Addis Ababa once in June (see Sections 1.c. and 1.d.). The ICRC registered 1,700 new Eritrean POW's in the Tigray region following the May offensive. In September Ethiopia and Eritrea agreed that the ICRC would be the supervisory organization for the exchange of expellees or deportees. In December following the signing of the peace agreement, Ethiopia and Eritrea agreed that the ICRC would facilitate all POW exchanges. In May and June, the ICRC suspended emergency relief flights to Dire Dawa and Gode because Ethiopian Airlines demanded a high "handling fee" for each flight.

The chairman of the African Commission on Human and Peoples' Rights (ACHPR) visited in February and March to investigate Eritrean complaints regarding government deportations of Eritreans and Ethiopians of Eritrean origin. His program included meetings with senior officials of the executive, legislative and judicial branches. The ACHPR did not release a report by year's end.

A delegation from the international NGO Education International received visas to visit Dr. Woldeamayrat in prison, but were turned back upon arrival at Addis Ababa airport in June. A second delegation from Education International attempted to visit Dr. Woldeamayrat in December; however, all but one of the delegation members were denied visas (see Section 6.a.).

The Government is required under the Constitution to establish a human rights commission and office of the ombudsman. The office of the ombudsman is expected to have the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Parliament completed legislative action to create both entities in July; however, neither entity was operational by year's end.

The Government continues to encourage international human rights groups and foreign diplomats to observe the war crimes trials that began in 1994. Officials of the Federal Security Authority generally have been responsive to requests for information from the diplomatic community. Several international human rights groups visited the country during the year.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that all persons are equal before the law. The law provides that all persons should have equal and effective protection without discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status. However, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections.

*Women.*—Culturally based abuses including wife beating and marital rape are pervasive social problems. While women have recourse to the police and the courts, societal norms and limited infrastructure inhibit many women from seeking legal redress, especially in rural areas. Social practices obstruct investigations into rape and the prosecution of the rapist, and many women are not aware of their rights under the law. It is estimated that there are more than 1,000 rapes a year in Addis Ababa alone; however, only 168 rape convictions were handed down nationwide from September 1999 to September. Rape sentences have increased incrementally to 10 to 13 years, in line with the 10 to 15 years prescribed by law. There was a report in September that a guard raped a female prisoner; he was arrested in September and was awaiting trial at year's end (see Section 1.c.).

The Constitution provides for the equality of women; however, these provisions often are not applied in practice. Furthermore, these provisions often are in conflict with the 1960 Civil Code and the 1957 Penal Code, both of which still are in force but under review by the Ministry of Justice. The 1960 Civil Code is based on a monarchical constitution that treated women as if they were children or disabled. Dis-

criminatory regulations in the civil code include recognizing the husband as the legal head of the family and designating him as the sole guardian of children over 5 years old. Family arbitration councils, which in the past had the power to dissolve marriages, engaged only in arbitration and reconciliation counseling, and only the courts have the legal power to dissolve marriages. Domestic violence is not considered a serious justification under the law to obtain a divorce. There is only limited juridical recognition of common-law marriage. Irrespective of the number of years the marriage has existed, the number of children raised, and the joint property, the woman is entitled to only 3 months' financial support should the relationship end. However, a husband has no obligation to provide financial assistance to his family and, as a result, women and children sometimes are abandoned when there is a problem in the marriage. All land belongs to the state; however, land reforms enacted in March 1997 stipulate that women may obtain government leases to land, and the Government has an explicit policy implemented in 1995 to provide equal access to land for women. Discrimination is most acute in rural areas, where 85 percent of the population lives. In urban areas, women have fewer employment opportunities than do men, and the jobs available do not provide equal pay for equal work.

As a result of changes in the Labor Law in 1998, thousands of women traveled to the Middle East as industrial and domestic workers. There were credible reports that female workers were abused in these positions (see Section 6.f.).

Although illegal, the abduction of women and girls as a form of marriage still is widely practiced in the Oromiya region and the SNNPRS. Forced sexual relationships often accompany most marriages by abduction, and women often are abused physically during the abduction. Abductions have led to conflicts between families, communities, and ethnic groups.

To enhance the status of women, the Government formally adopted a national program of action in 1997. The program seeks to expand educational and work opportunities for women, improve women's access to health care, and educate women about certain unhealthy traditional practices such as early marriage. There have been few improvements in the status of women since the inception of this program; however, according to a study published by the National Committee on Traditional Practices of Ethiopia (NCTPE) in 1998, certain harmful traditional practices such as early marriage and marriage by abduction appeared to be on the decline. During the year, proclamations were passed that established the Human Rights Commission (HRC) and the office of the ombudsman. The proclamations make special provision for a commissioner, in the case of the HRC, and an ombudsman to be particularly responsible for the rights of women and children.

On July 29, Parliament adopted a new family law, drafted by Ministry of Justice in 1998; the family law was backdated and took effect on July 4. As a result, the revised civil code raises the legal age for marriage for girls from 15 to 18, the same as for boys; puts civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who have lived together for at least 5 years (previously, there was no property sharing for couples separating, even if they had lived together their entire adult lives); eliminates family arbitrators as a means of settling marital disputes in lieu of the court system (historically women have fared poorly under the family arbitration system); allows for the joint administration of common marital property (previously a man could sell joint property without the consent or knowledge of his wife); and requires the courts to take into account the situation of children or the weakest member of the family in the event of a divorce or separation (previously women and children were often forced out of the family home in such cases).

In 1999 the Ministry of Justice completed a revision of the 1957 Penal Code and a national debate on the revisions continued during the year. Critical issues affecting women and children include the penalties for rape, domestic violence, and child molestation. However, regardless of changes to the Penal Code, tradition and culture often prevail over civil and criminal law, and in practice women do not enjoy equal status with men. For example, the harmful traditional practice of abduction as a form of marriage already is illegal under the Penal Code but still is practiced widely in many rural areas.

*Children.*—The Government has encouraged efforts by domestic and international NGO's that focus on children's social, health, and legal issues. For example, local officials provided transportation and free facilities to NGO activities. During the year, proclamations were passed that established the HRC and the ombudsman. The proclamations make special provision for a commissioner, in the case of the HRC, and an ombudsman to be particularly responsible for the rights of women and children. However, the Government has limited ability to provide improved health care and basic education. By law primary education is compulsory, free and uni-

versal; however, despite efforts by the Government to increase the number of schools, there are not enough schools to accommodate the country's youth. In 1977 the Government adopted a three-shift system in all primary and secondary schools to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. Nationwide only 61 percent of male primary age children and 41 percent of female primary age children attend school, and many do so in shifts; girls reportedly attended school in greater numbers in some regions. However, government reports show that approximately 30 percent of the children who attend school leave the system before they reach grade two of primary school. The chance of their relapsing to illiteracy is high. Only about 18 percent of children reach grade five. The overall literacy rate is approximately 20 to 30 percent, and only 17 percent of women are literate compared with 26 percent of men; however, it is difficult to estimate literacy rates accurately due to a lack of government statistics. Only 12 percent of males and 8.5 percent of females attend secondary school. During the year, 46,140 males and 27,418 females earned a school-leaving certificate, a prerequisite to attend college. There is space in institutions of higher education for only a small percentage of these graduates.

In Addis Ababa's police stations, there are 10 Child Protection Units, which are staffed by members of an NGO and protect the rights of children by assisting them when they become victims of crime. Some police officers underwent training in 1997 on procedures for handling cases of child abuse and juvenile delinquency. Nevertheless there is a clear need for reform of the juvenile justice system. Three federal judges sit on one bench to hear all cases of juvenile offenses. There is a large backlog of juvenile cases and accused children often remain in detention with adults until their cases are heard. There is only one juvenile remand home with a capacity of 150 for children under age 15, and the juveniles who cannot be accommodated at the juvenile remand home are incarcerated with adults (see Section 1.c.).

Societal abuse of young girls continues to be a problem. The majority of girls undergo some form of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The NCTPE conducted a survey that was published in 1998, which indicated that 72.7 percent of the female population had undergone FGM, down from an estimated 90 percent of the female population in 1990. Clitoridectomies typically are performed 7 days after birth and consist of an excision of the labia. Infibulation—the most extreme and dangerous form of FGM—is performed at any time between the age of 8 and the onset of puberty. The law does not specifically prohibit FGM, although it is discouraged officially, and the Government has been very supportive of the NCTPE. The Government also is working to discourage the practice of FGM through education in public schools.

Other harmful traditional practices surveyed by the NCTPE included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions. A new family law adopted in July defines the age of consent as 18 for both females and males; however, early childhood marriage is common in rural areas where girls as young as age 9 are subjected to arranged marriages. In the Afar region of the east, young girls continue to be married to much older men, but this traditional practice is coming under greater scrutiny and criticism. There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association, and, at year's end, the case was being prosecuted in the courts (see Sections 6.c. and 6.f.). The Tigray Women's Association also has had an impact in changing societal attitudes toward early marriage. Pregnancy at an early age often leads to obstetric fistulae resulting in lifelong misery due to total and permanent incontinence. Treatment is available at only one hospital in Addis Ababa that performs over 1,000 fistula operations a year. It estimates that for every successful operation performed, 10 other young women need the treatment. The maternal mortality rate is extremely high due, in part, to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, especially infibulation.

There are approximately 200,000 street children in urban areas, of which 150,000 reside in Addis Ababa; however, the figures are difficult to estimate, and observers believe the problem is growing. These children beg, sometimes as part of a gang, or work in the informal sector in order to survive (see Section 6.d.). Government and privately run orphanages are unable to handle the number of street children, and older children often abuse younger children. Due to severe resource constraints, abandoned infants often are overlooked or neglected at hospitals and orphanages. There are a few credible reports that children are maimed or blinded by their "handlers" in order to raise their earnings from begging.

Child prostitution continues to be a problem and is perceived widely to be growing. There are no laws that criminalize child prostitution or prostitution in general.

In 1996 the National Steering Committee Against Sexual Exploitation of Children was formed and is chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. In October 1999, the committee reported that child prostitution is on the increase especially in major urban centers; however, there are no statistics available. NGO's report that girls as young as age 11 are recruited to work in houses of prostitution where they are kept ignorant of the risks of HIV/AIDS infection. There have been many press reports of the large-scale employment of children, especially underage girls, as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. There were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, these reports were difficult to confirm (see Sections 6.c. and 6.f.). Social workers note that young girls are prized because their clients believe that they are free of sexually transmitted diseases. The unwanted babies of these young girls usually are abandoned at hospitals, police stations, welfare clinics, and adoption agencies. There were numerous anecdotal accounts of young girls going to the Middle East to work as house servants and nannies, some of whom were abused, including sexually. (see Sections 6.c., 6.d., and 6.f.). Factors aggravating the problem of child prostitution are pervasive poverty, migration to urban centers, early marriage, HIV/AIDS, and limited educational and job opportunities. There are several NGO's which work with child prostitutes, including the Forum on Street Children-Ethiopia, which provides shelter and protection for child prostitutes trying to get off the streets.

In September 1999, a forum on child labor was launched by over 80 government, NGO and foreign entities, including the International Labor Organization (ILO), to combat such problems as child prostitution. The forum held a series of meetings during the year.

Child labor is pervasive, especially in the informal sector, and child laborers sometimes are subjected to abuse, including neglect, and, among children working as domestic servants, sexual abuse and rape (see Section 6.d.).

It is the policy of the Ministry of Defense not to permit persons under the age of 18 to join the armed forces, and the Government made efforts to enforce this policy. While there were reports that some children under the age of 18 were recruited into the military in 1999, and military officers have admitted that underage applicants sometimes were enlisted, there were no such reports during the year. Ethiopia has an all-volunteer military; however, scarce birth certificates, poor educational opportunities, patriotism, and pervasive poverty conspired to entice underage applicants to try to circumvent restrictions on underage soldiers. If young boys are found to be under the age of 18, they are prohibited from doing military service; however, in rural areas children often do not have birth certificates. If a unit commander suspects but cannot prove that a soldier is underage, he can transfer the soldier from a front-line combat unit to a rear-area command. There is evidence that children as young as age 14 were permitted to join local militia units in an effort to keep them close to home and prevent them from attempting to join the regular army.

*People with Disabilities.*—The Constitution stipulates that the state shall allocate resources to provide rehabilitation and assistance to the physically and mentally disabled; however, the Government devoted few resources for these purposes. At year's end, the Government had not yet put into place mechanisms to enforce a 1994 law mandating equal rights for the disabled. The Government does not mandate access to buildings or government services for the disabled, and persons with minor disabilities sometimes complain of job discrimination. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions; however, wheelchairs are rare in the country. According to an NGO report in 1998, only 500 of the approximately 700,000 visually impaired persons in the country have access to employment opportunities. Although there are approximately 800,000 mentally ill persons estimated in the country, there is only 1 mental hospital and only 10 psychiatrists. In the past several years, the mental hospital trained 117 psychiatric nurses to work in 33 rural clinics; however, half of these nurses subsequently left their jobs.

There are numerous domestic NGO's that work with the disabled. For example, the Amhara Development Association operates a project to provide vocational training to disabled war veterans in Bahir Dar. The Tigray Development Association operates a center in Mekele that provides prostheses and seed money for business development, training, and counseling for disabled persons. The international NGO Landmine Survivors commenced operating in the country during the year; Landmine Survivors provides a number of services to victims of landmine explosions including counseling, and referrals to rehabilitation services. A 1994 census determined that there were 989,000 disabled persons in the country; however, observers believe that number has grown and is significantly higher.



*Religious Minorities.*—Despite the generally broad level of societal tolerance for established faiths, there were instances of open conflict among religious groups before 1998, most noticeably between Ethiopian Orthodox Christians on the one hand, and Pentecostals and evangelicals on the other, and there continued to be pockets of interreligious tension and criticism during the year. Newer faiths such as Jehovah's Witnesses and Pentecostals encountered overt opposition from the public. Muslims and Orthodox Christians complained about proselytization by Pentecostals and Jehovah's Witnesses. Ethiopian Orthodox leaders complained that at times Protestants fail to respect Orthodox holy days and Orthodox customs. Muslims complained that some Pentecostal preachers disparage Islam in their services. There were complaints by Muslim leaders that the Ethiopian Orthodox church's desire to "show supremacy" sometimes caused irritation in the country's various regions. Protestant and Pentecostal leaders complained that, on occasion, Orthodox or evangelical adherents interrupted Protestant and Pentecostal religious meetings and attempted to prevent the construction of Protestant churches in predominately Orthodox or evangelical areas.

In April 1999, two Muslim communities in the Dire Dawa and north Welo areas attempted to construct new mosques but abandoned the construction when local Orthodox church members caused damage to the construction sites and beat one Muslim who tried to prevent their actions. The Government intervened, and the mosques were being built at year's end.

Nevertheless in most sections of the country Orthodox Christians and Muslims participated in each other's religious observances, and there is tolerance for intermarriage and conversion in certain areas, most notably in Welo, as well as in urban areas throughout the country. In Addis Ababa, persons of different faiths often live side-by-side. Most urban areas reflect a mixture of all religious denominations. Longstanding evangelical Protestant denominations, particularly the Mekane Yesus church and Kale Heywet churches, provide social services such as health care and education to nonmembers as well as to members.

*National/Racial/Ethnic Minorities.*—There are more than 80 ethnic groups. Although many of these groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. Some ethnic groups such as the Oromos, the largest single group, were subjugated during the 19th century. In an attempt to address ethnic concerns, the Government has established a federal system with political boundaries drawn roughly along major ethnic lines. With federalism regional states have much greater control over their affairs. For example, in Oromiya in 1999, the regional government required that all primary schools adopt Oromiffa as the language of instruction. This drew protests from groups that reside in Oromiya whose mother tongue is not Oromiffa and who believe that their children are now at a disadvantage. There are credible reports that teachers and other government workers have had their employment terminated if they are not of the dominant ethnic group in the region.

Ethnic clashes during the year resulted in a number of deaths and injuries. In July there were reports of clashes between the Oromo Borena community and ethnic-Somali Garre pastoralists in the southeast, which reportedly resulted in the deaths of approximately 40 persons and the theft of hundreds of livestock. In October there were reports of a clash over grazing and watering rights between the two communities, which reportedly resulted in the killing of at least 150 people and injuries to many others.

In December ethnic tensions between Oromo and Tigrayan students at Addis Ababa University were exacerbated when a Tigrayan student presented a paper which allegedly included a derogatory statement about Oromos. The students engaged in some fighting and vandalism, and authorities arrested some Oromo students (see Section 1.d.).

In May 1999, local administrators in the SNNPRS informed elementary and high school teachers that new textbooks would be used in the North Omo zone, which merged four closely related languages spoken in the zone: Welayita, Gamo, Goffa, and Dawro. Neither local communities nor teachers had been consulted before the decision was made to introduce the new textbooks. In November 1999, police arrested two teachers for objecting to the new language (see Section 1.d.). The arrests led to widespread demonstrations and rioting in the city of Sodo during which police killed up to 10 persons, injured hundreds, and arrested and detained as many as 1,000 others (see Sections 1.a., 1.c. and 1.d.). Most of those arrested were released, but approximately 20 elders, teachers, and civil servants were charged with subversion and remained in prison at year's end because they could not make bail of between \$6,000 and \$12,500 (50,000 and 100,000 birr—see Section 1.d.). As a result of the conflict, Welayita was used as the language of instruction in schools during the year, and Welayita became its own zone in November.

There has been a long history of tension between the Nuer and Anuak tribal groups. In November 1999, Nuer students in the Gambella region demonstrated for the use of the Nuer language in schools instead of the Amharic language. In December 1999, the Government arrested 26 Nuer tribal political activists associated with the GPDC on charges of inciting the Nuer students to demonstrate (see Section 1.d.). The GPDC accused the Anuak tribe, whose political organization—the Gambella people's democratic party—is an EPRDF affiliate, of interfering with their political activities prior to the May elections. Twelve of those arrested were released prior to the May elections; 14 remained in custody at year's end (see Section 1.d.).

The expansion of the military from a low of 60,000 personnel in April 1998 to approximately 285,000 to 300,000 personnel during the year aided greatly in the goal of bringing more ethnic groups into the military. By most accounts, the military is an ethnically diverse organization with very little friction between the various groups represented, at least in the lower ranks. At the higher ranks the officer personnel is much less ethnically diverse. Promotions awarded in November and December were disproportionately high among the Tigrayan ethnic group, although promotions were given to officers from a range of ethnic groups; Oromos were represented among those promoted in higher numbers than the previous year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides most workers with the right to form and join unions, but the 1993 Labor Proclamation specifically excluded teachers and civil servants, including judges, prosecutors, and security services, from organizing unions. Only 300,000 workers are unionized. The 1993 Labor Proclamation also decreed that workers who provide essential services are not allowed to strike. Essential services are defined broadly to include air transport services, railways, bus service, postal, police and fire services, banking, telecommunications, and medical services.

Only a small percentage of the population is involved in wage labor employment, which is concentrated largely in urban areas. Approximately 85 percent of the work force live in the countryside and are engaged in subsistence farming.

The ETA formerly had a membership of 120,000; however, that number has decreased significantly due to government intimidation and restrictions on ETA activities. In 1995 the leadership of the ETA filed with the ILO a freedom of association complaint against the Government based upon credible reports that the Government has harassed the ETA leadership at all levels since 1993. Security forces harassed members of the ETA and closed their offices; however, the ETA still is registered. In November the ILO Committee on Freedom of Association issued a strong criticism of the Government for its restrictions on freedom of association. The president of the ETA, Dr. Woldesemayat, was sentenced to 15 years in prison in 1999 for inciting violence. In 1994 the Government encouraged and publicly supported the organization and registration of a second teachers' association. A delegation from the international NGO Education International received visas to visit Dr. Woldesemayat in prison, but were turned back upon arrival at Addis Ababa airport in June. A second delegation from Education International attempted to visit Dr. Woldesemayat in December; however, all but one of the delegation members were denied visas (see Section 1.c.).

There is no requirement that unions belong to the Confederation of Ethiopian Trade Unions (CETU), which was established in 1993, decertified in December 1994 because of internal management and political disputes, and officially reestablished and recertified in April 1997. CETU includes all nine federations organized by industrial and service sectors rather than by region.

The Labor Law stipulates that a trade organization may not act in an overtly political manner. The Labor Law explicitly gives workers the right to strike to protect their interests, but it also sets forth restrictive procedures that apply before a legal strike may take place. These apply equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. The Labor Law prohibits retribution against strikers, but labor leaders state that most workers are not convinced that the Government would enforce this protection. Both sides must make efforts at reconciliation, provide at least 10 days' notice to the Government, include the reasons for the action, and in cases already before a court or labor board, the party must provide at least a 30-day warning. If an agreement between unions and management cannot be reached, the Minister of Labor may refer the case to arbitration by a Labor Relations Board (LRB). The Government has established LRB's at the national level and in some regions. The Minister of Labor and Social Affairs appoints each LRB chairman, and the four board members include two each from trade unions and employer groups. Some efforts to enforce labor regulations are made within the formal industrial sector. Some private sector workers,

including construction workers and Ethiopian Airlines mechanics, went on strike during the year over salary issues. Labor officials have stated that in view of high unemployment and the inattention courts have given to labor cases, some workers are afraid to participate in strikes or other labor actions.

Independent unions and those belonging to CETU are free to affiliate with and participate in international labor bodies. Some unions have affiliated with international organizations.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining is protected under the Labor Law and under the Constitution for most workers and is practiced freely throughout the country. Collective bargaining agreements concluded between 1975 and the promulgation of the 1993 Labor Law remain in force. Labor experts estimate that more than 90 percent of unionized workers are covered by collective bargaining agreements. Wages are negotiated at the plant level. The law prohibits antiunion discrimination by employers against union members and organizers. There are grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Labor leaders point to a number of court cases that are 4 or 5 years old in which workers have been terminated for union activities as examples of inattention by the courts to worker rights. Seasonal and part-time agricultural workers are not organized even on state-owned plantations. Seasonal workers' compensation, benefits, and working conditions are far below those of unionized permanent plantation employees.

In December a private company dissolved its labor union after a disagreement between management and workers. A total of 586 workers were expelled from the company, including union leaders. The Government attempted to mediate the dispute, but the employer did not cooperate; the case is expected to be referred to the Ministry of Labor and Social Affairs in 2001.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Criminal Code, which applies to persons over the age of 15, specifically prohibits forced labor; however, forced labor can be used by court order as a punitive measure. Forced or compulsory labor by children is illegal; however, young girls reportedly were sold or forced into prostitution by family members (see Sections 5 and 6.f.). There were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, these reports were difficult to confirm. There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association, and the case was being prosecuted in the courts at year's end (see Sections 5 and 6.f.). There also were numerous anecdotal accounts of young persons, especially girls, traveling to the Middle East to work as house servants and nannies, some of whom were abused, including sexually (see Section 6.f.). The Constitution proscribes slavery, which was abolished officially in 1942, and involuntary servitude. There were no reports of slavery within the country.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Under the Labor Law, the minimum age for wage or salary employment is 14 years; special provisions cover children between the ages of 14 and 18, including the prohibition of night work or hazardous work. The Government defines hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

Children may not work more than 7 hours per day; work between the hours of 10 p.m. and 6 a.m.; work on public holidays or rest days; or perform overtime work. While the Government has made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and entrepreneurs agree that child labor is pervasive throughout the country, especially in the informal sector. In urban areas, children in large numbers can be seen working in a variety of jobs, including shining shoes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. Child domestic workers are common.

Child laborers often are abused. A research study published in 1999 reported that the prevalence of child abuse among urban child laborers is 70 percent, compared with 24.5 percent among non-economically active children from the same urban district. The study concluded that physical and emotional abuse were twice as common among child workers compared with nonworkers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestics.

A second research study of child labor sponsored by CETU's National Federation of Farm, Plantation, Fishery, and Agro-industry Trade Unions and published in 1999 focused on rural locations. The study reported that 30 percent of the workers

on state farms surveyed were between the ages of 7 and 14. Child workers, who worked alongside parents hired by the state, typically worked 6 days a week, received no benefits, and earned less than \$10 (80 birr) a month. At one plantation, 75 percent of the children worked 12-hour days. There also is evidence that children as young as age 14 are permitted to join local militias with the consent of village leaders. This reportedly is part of an effort to keep children in local areas despite limited educational or employment opportunities (see Section 5). The Government maintains that most economically active children are engaged in family-based, non-exploitative child work that is part of the socialization process and maintains that there is not a child labor problem.

In September 1999, a forum on child labor was launched by over 80 governments, NGO and foreign entities, including the ILO, to combat such problems as child prostitution, which is widely perceived to be growing (see Section 5). The forum concluded that the worst forms of child labor have increased in recent years, particularly child prostitution and the use of children in agricultural work where they are exposed to pesticides and insecticides.

The Ministry of Labor and Social Affairs is the authority designated to enforce child labor laws. The Government's definition of worst forms of child labor includes prostitution and bonded labor. The Government is not a signatory to the Worst Forms of Child Labor Convention.

Forced or compulsory labor by children is illegal; however, there are reports that it occurs (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—In 1995 the Government established a minimum wage of approximately \$15 (120 birr) per month for all wage earners in both the private and public sectors. In addition each industry and service sector has established its own minimum wage. For example, public sector employees, the largest group of wage earners, earn a minimum wage of approximately \$22 (175 birr) per month; employees in the banking and insurance sector have a minimum wage of \$25 (200 birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages are insufficient to provide a decent standard of living for a worker and family. Consequently most families must have at least two wage earners to survive, which is one of the reasons children leave school early.

The legal workweek, as stipulated in the Labor Law, is 48 hours, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, in practice, most employees work a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiate to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforces these standards ineffectively, due to a lack of human and financial resources. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment; however, most workers fear losing their jobs if they were to do so.

*f. Trafficking in Persons.*—The law and the Constitution prohibit trafficking in persons; however, there were continued reports that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes (see Sections 5 and 6.c.). There was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the Ethiopian Women Lawyer's Association. At year's end, the case was being prosecuted in the courts; it is the first case of this kind (see Sections 5 and 6.c.). There were numerous anecdotal accounts of young girls traveling to the Middle East to work as house servants and nannies, some of whom are abused, including sexually. There reportedly is a network of persons based in the tourism and import-export sectors who are involved heavily in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates (see Sections 5 and 6.c.).

Although illegal, the abduction of women and girls as a form of marriage still is widely practiced in Oromiya regions and the SNNPRS (see Section 5).

As a result of a change in the Labor Law, the Government no longer acts as an employment agency for workers going abroad. Private entities now arrange for overseas work and, as a result, the number of women being sent to Middle Eastern countries, particularly Lebanon and Saudi Arabia, as domestic or industrial workers increased significantly. There continued to be credible reports that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation (see Section 5); however, such reports decreased after the Ministry of Labor and Social Affairs established an office in 1998 to review the contracts of prospective domestic workers and deny exit visas if the contracts did not appear satisfactory.

The Government continued work on revising the federal Civil and Penal Codes to increase the penalties for traffickers. Training programs were implemented for police officers on the criminal aspects of trafficking. There are several NGO's that work on the issue of trafficking, some of which provide protection for trafficking victims.

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## GABON

Gabon is a republic dominated by a strong presidency. Although opposition parties have been legal since 1990, a single party, the Gabonese Democratic Party (PDG), has remained in power since 1968 and has circumscribed political choice. Elections for the presidency and the National Assembly generally have not been free and fair but have varied widely in quality; some suffered chiefly from poor organization, while others were fraudulent. PDG leader El Hadj Omar Bongo has been President since 1967 and was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored the incumbent, including incomplete and inaccurate electoral lists and the use of false documents to cast votes. In July 1998, following opposition victories in 1996 elections for local government offices that recently had been made elective, the Government transferred key electoral functions to the Interior Ministry from an independent National Electoral Commission that had been established pursuant to a 1995 constitutional referendum. Members of the PDG and allied parties hold large majorities of seats in both chambers of the national legislature: The directly elected National Assembly, for which the most recent elections, held in December 1996, were poorly run and fraudulent; and the Senate, members of which are chosen by municipal and regional government officials. The judiciary is independent but remains vulnerable to government manipulation.

The national police, which is subordinate to the Interior Ministry, and the gendarmerie, which is subordinate to the Defense Ministry, are primarily responsible for domestic law enforcement and public security. In addition elements of the armed forces and the "Republican Guard," an elite, heavily armed unit that protects the President, sometimes have performed internal security functions; both the armed forces and the Republican Guard are subordinate to the Defense Ministry. Members of the security forces occasionally committed human rights abuses.

The country's economy is underdiversified and heavily dependent upon external trade. The State dominates much of the economy through telecommunications, timber export, and oil refinery parastatals; however, the production of wood, oil, and minerals is largely private, and the water, electric, railroad, and sugar parastatals have been privatized. Government financial mismanagement and corruption have contributed to significant arrears in domestic and external debt payments. Since the discovery of offshore oil in the late 1970's, the oil industry has generated nearly half of recorded gross national product; oil export earnings have allowed the country's approximately 1 million citizens to enjoy a relatively high material standard of living based on imports of consumer goods and have drawn to the country's capital, Libreville, a third of the country's citizens and many immigrants from poor African countries who work chiefly in the informal and service sectors. Average annual per capita gross domestic product was approximately \$4,700, although income distribution remained badly skewed in favor of urban dwellers and a small economic elite, while the rural population continued to receive relatively few social services. The depletion of proven reserves of oil and timber contributed to declining export earnings and state revenues during the year.

The Government's human rights record was generally poor in some areas, and some longstanding human rights abuses continued. The ability of citizens to change their government remained limited. Outstanding cases of killings by security forces remain unresolved. The security forces beat and tortured prisoners and detainees, prison conditions remained harsh and life threatening, arbitrary arrest and detention were problems, the judiciary remained subject to government influence, and authorities routinely infringed on citizens' privacy rights. Despite some improvements, the Government continued to restrict freedom of the press. Violence and societal discrimination against women were problems. Forced labor by foreign children as domestic and agricultural workers remained a problem, and there were reports of trafficking in children.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of politically motivated extrajudicial killings; and there were no confirmed cases in which members of the security forces committed other extrajudicial killings. Outstanding cases of extrajudicial killings committed by the security forces remained unresolved.

In April 1999, an off-duty member of the Republican Guard shot and killed a taxi driver who had refused to lend his taxi to the soldier. Despite demands from the media to prosecute the alleged assailant, the suspect never was charged. In the July 1999 case of a group of off-duty police officers who reportedly killed 2 persons and wounded 11 in a vendetta attack in a Libreville discotheque, the police officers initially were cleared of wrongdoing by their superiors, then later subjected to minor disciplinary measures. No arrests were made in either case.

Although there were no confirmed reports of attempted killings that appeared to be politically motivated, an opposition candidate Pierre Mamboundou, who contested the December 1998 presidential election stated in December 1998 that armed commandos attempted to kill him on December 12, 1998. Mamboundou stated that he believed that the Government was responsible for the alleged attack, but no evidence supporting this allegation developed.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture or cruel and inhuman punishment; however, security forces sometimes beat or physically mistreated prisoners and detainees as punishment and to exact confessions. There were unconfirmed reports in the African immigrant community that police and soldiers occasionally beat and raped non-Gabonese Africans during operations to round up and deport illegal immigrants (see Section 2.d.).

In August a police officer raped a Cameroonian woman in custody. The case received wide media coverage, and shortly after the incident, the officer was dismissed from the police force. The national police leadership asserted that the police officer would be disciplined formally and then tried for rape; however, at year's end, the case had not been tried, and no further action had been taken against the officer.

There were occasional incidents of violence in which practitioners of some traditional indigenous religions inflicted bodily harm on other persons (see Section 5). However, the details of these incidents are uncertain. The Ministry of the Interior maintained that violence and bodily harm to others in the practice of a traditional religion is a criminal offense and is prosecuted vigorously. Media reports suggested that this was true; however, little information about such prosecutions or their results was available.

Conditions in most prisons are harsh and life threatening. Sanitation and ventilation are poor, and medical care is almost nonexistent. Prisons provide inadequate food for inmates. There were no known visits by human rights monitors to prisons during the year, although the Government was not known to have impeded such visits in past years.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. The law provides for up to 48 hours of initial preventive detention, during which period police must charge a detainee before a judge. However, in practice police rarely respect this provision. Charges often are not filed expeditiously, and persons often are detained arbitrarily for long periods. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys, and this right is respected in practice. Detainees have the right to an expeditious trial, as defined by the law. Pretrial detention is limited to 6 months for a misdemeanor and to 1 year for a felony charge. These periods may be extended for 6 months by the examining magistrate. Prolonged pretrial detention is common. The Attorney General's Office estimates that roughly 40 percent of persons in custody are pretrial detainees.

Authorities in Makokou arrested and detained Gabonese Confederation of Free Unions (CGSL) representative Jean-Remy Nguelany for over 3 months in 1998 (see Section 6.b.).

Members of the security forces frequently detained individuals at roadblocks. Although sometimes designed to locate illegal immigrants, most such operations were used by the security forces to extort money.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, while the judiciary is generally independent in principle, it remains vulnerable to government manipulation.

The judicial system includes the regular courts, a military tribunal, and a civilian State Security Court. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. There are no traditional or customary courts. In some areas, minor disputes may be taken to a local chief, but the State does not recognize such decisions. The State Security Court, last convened in 1990, is constituted by the Government as required to consider matters of state security.

There were systemic resource and personnel shortages in the judiciary, which often contributed to prolonged pretrial detention (see Section 1.d.).

The Constitution provides for the right to a public trial and the right to legal counsel. These rights generally are respected in criminal cases. Nevertheless, procedural safeguards are lacking, particularly in state security trials. A judge may thus deliver an immediate verdict of guilty at the initial hearing if sufficient evidence is presented by the State.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for protection from surveillance, from searches without warrant, and from interference with private telecommunications or correspondence; however, the Government restricts these rights in practice. As part of criminal investigations, police may request search warrants from judges, which they obtain easily, sometimes after the fact. The Government has used them in the past to gain access to the homes of opposition figures and their families.

Government authorities also routinely monitor private telephone conversations, personal mail, and the movements of citizens.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, although citizens generally continued to speak freely and criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticize government policies, ministers, and other officials.

The only daily newspaper was the state-affiliated *L'Union*. Approximately 10 privately owned weekly or monthly publications in newspaper format, which represent independent views and those of various political parties, appeared during the year; however, most appeared irregularly due to financial constraints and, in some instances, to government suspensions of their publication licenses. All newspapers—including *L'Union*—actively criticized the Government and political leaders of all parties. Most also criticized the President.

Journalists are subject to the Communication Code, a law that specifies their rights and responsibilities. Libel can be either a criminal offense or a civil matter. The law authorizes the State to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits.

In April 1999, the National Communication Council (CNC), a government agency subordinate to the Communications Ministry, released its draft of a proposed new Communications Code that would further restrict press freedom by expanding the scope of criminal libel laws in the name of protecting "dignity of the person;" however, it would shift the penalties for libel away from imprisonment and toward monetary fines; it also would reduce prison sentences for journalists convicted of criminal libel while increasing fines that could be imposed on such journalists and on the newspaper firms that employ them. In April the National Assembly passed the new Communications Code, but it stalled in the Senate because of concerns about its constitutionality. In November the Senate passed a different version of the code, and the two bills were referred to a conference committee for reconciliation; no further action had been taken by year's end.

In April 1999, the CNC suspended the publication license of *La Griffe*, a Libreville-based satirical weekly newspaper, on the grounds that it was publishing anonymous editorials in contravention of a legal requirement, necessary for the enforcement of criminal libel laws, that publications name the authors of everything that they publish. The Ministry of Communications previously suspended the same newspaper's license from August 1998 through March 1999 after the Government successfully prosecuted members of the newspaper's staff for criminal libel. The suspension of *La Griffe's* publication license ended in August, and the newspaper resumed publication shortly thereafter.

The Government continued to use prosecutions for civil and criminal libel against journalists to restrict freedom of expression, especially criticism of the Government. In December 1999, Germain Lendoye, publisher of the satirical weekly *Cigale*

Enchantee, was jailed for 2 months after the newspaper failed to pay a fine of about \$290 (200,000 FCFA) that was awarded in 1999 to the Minister of Equipment and Construction for defamation. Cigale Enchantee remained closed for financial reasons. In July Lendoye launched a new satirical weekly, *Le Scribouillard*.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages; police did not intervene. In August journalists at the national television station struck for back wages (see Section 6.a.).

In May journalists Kare Black, Guy Mvelle, and publisher Noel Ngwa Nguema of the bimonthly *Misamu* were fined the equivalent of \$14,500 (10,000,000 FCFA) in a defamation suit brought by the Director General of Public Works at the Ministry of Equipment and Construction over a January article that alleged a diversion of public funds from a road project. The court ruled in favor of the director general despite the publication by *Misamu* of a lengthy rebuttal written by the director general.

In May President Bongo pardoned *La Griffe* editor in chief Michel Ongoundou Loundah and journalist Raphael Ntoume Nkoghe (writing under the name of Pulcherie Beaumiel), who were convicted of criminal libel in August 1998. The two left the country in 1998 after a court sentenced them to 8 months in prison for reporting that the director general of the state airline had used the company to smuggle ivory internationally; both returned to the country during the year. Dorothee Ngouoni, an editor at *La Griffe*, left the country in July 1999 as a result of the same defamation case and was convicted of defamation shortly thereafter. She was not pardoned and remained abroad.

The Government owns and operates two radio stations, which broadcast to all areas of the country. Much of their news coverage concerns the activities of government officials; however, their editorials are sometimes critical of specific government policies and even of specific government ministers. The CNC issues and, in the past, at times sometimes has suspended the broadcasting licenses of private radio and television stations. During the year, all existing suspensions were lifted, and no new suspensions were imposed. Financial considerations resulted in fluctuations in the number of radio stations operating. At year's end, approximately a dozen privately owned radio stations operated in the country; most were apolitical. The Government owns and operates two television stations, RTG-1 and RTG-2. At year's end, four apolitical, privately owned stations were broadcasting.

In October 1999, the Government suspended the broadcasting license of two privately owned radio stations. One resumed broadcasting in November 1999; the other, a station affiliated with the Catholic Church, resolved its conflict with the Government without interrupting its broadcasts (see Section 2.a.).

The Government did not interfere with domestic reception of broadcasts of international radio stations, including the Voice of America. Radio France International broadcast locally, and British Broadcasting Corporation radio sought and received a license to begin local broadcasts; but at year's end, they had not begun to broadcast. Foreign newspapers and magazines were widely available.

The Government did not restrict access to or use of the Internet. At year's end, there were two Internet service providers in the country, one state owned and the other privately owned. In urban areas, there were public facilities that provided relatively affordable access to the Internet.

There are no restrictions on academic freedom, including research.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice for citizens and recognized organizations. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

The Constitution provides for freedom of association, and the Government respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respected this right in practice. There is no state religion, and authorities do not engage in religious persecution. A 1983 decree banning Jehovah's Witnesses, which the Government promulgated on the grounds that Jehovah's Witnesses allegedly do not protect individuals who might dissent from the group's views adequately, remained in effect throughout the year; however, the Government did not enforce the ban.

Some Protestants alleged that the government television station accorded free transmission time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favor Roman Catholics and Muslims in hiring and promotions. Some Protestant congregations had difficulty obtaining building permits.



The Ministry of the Interior maintains an official registry of some religious groups; however, it does not register traditional indigenous religious groups. The Government does not require religious groups to register but recommends that they do so in order to assemble with full constitutional protection. No financial or tax benefit is conferred by registration. The Government has refused to register about 10 religious groups, including Jehovah's Witnesses. In practice the Government allows Jehovah's Witnesses to assemble and practice their religion. In addition the Government has made uncorroborated claims that it permitted Jehovah's Witnesses to proselytize.

In October 1999, the Government suspended the broadcasting license of a privately owned radio station affiliated with the Catholic Church. The station resolved its conflict with the Government without interrupting its broadcasts. Its license was restored in November 1999 (see Section 2.a.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights. There are no legally mandated restrictions on internal movement. Police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, and members of the security forces regularly harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. They extorted bribes and demanded services with the threat of confiscation of residency documents or imprisonment. Residency permits cost up to \$145 (100,000 FCFA), and first time applicants also must provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the Government refunds the cost of the air ticket.

The government agency that controls immigration intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad, although a specific law to this effect was eliminated in 1990. An exit visa no longer is required for citizens to travel abroad; however, aliens resident in the country must obtain a visa in order to leave and return.

There were unconfirmed reports that police occasionally beat and raped non-Gabonese Africans during operations to assemble and deport illegal immigrants. In November the Government used soldiers to conduct an official "sweep" operation. According to the Government, the sweep was intended to detain bandits, but the Government did not disclose if any persons were arrested. The sweep consisted of soldiers stopping and searching vehicles at roadblocks, as well as house-to-house searches conducted by soldiers and police in impoverished neighborhoods. The police conducted the same activity informally on a regular basis and frequently stopped vehicles to extort bribes.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government strictly controls the process of refugee adjudication. Coordination with the U.N. High Commissioner for Refugees (UNHCR) generally is adequate. During the year, an estimated 17,000 refugees,

14,000 from the Republic of Congo (Brazzaville), remained in the country to avoid fighting between Congolese rebels and forces supporting the Congolese Government. The Government cooperated with the UNHCR and international nongovernmental organizations (NGO's) that provided assistance to these refugees.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The 1991 Constitution explicitly provides this right, but mismanagement and serious irregularities in both the 1990 and 1996 legislative elections and the 1993 and 1998 presidential elections called into serious doubt the extent to which this right exists in practice. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice has remained limited in practice despite the legalization of opposition parties since 1990.

In a July 1995 constitutional referendum, citizens approved by a 96 percent majority reforms, that included most significantly the establishment of an independent National Electoral Commission (NEC). The referendum was carried out under arrangements that assured that all political parties could monitor voting and vote counting.

The Republic is dominated by a strong Presidency. The President can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law while the legislature is not in session. The legislature generally has approved legislation presented to it by the President but occasionally has not done so. The President appoints and can dismiss judges through the Ministry

of Justice, to which the judiciary is responsible. The President appoints ministers of government, provincial governors, prefects and subprefects, and the heads of parastatal firms.

PDG leader El Hadj Omar Bongo has been President since 1967, when the former President died while Bongo was Vice President. He was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists and the use of false documents to cast multiple votes. In July 1998, the Government transferred key electoral functions, including the maintenance of voter registration lists, from the NEC to the Interior Ministry. In October 1998, the representatives of three major opposition parties withdrew from the NEC to protest their inability to verify the accuracy of voter registration lists. Official results showed Bongo winning approximately two-thirds of the votes cast.

The most recent elections for the National Assembly, the lower house of the bicameral national legislature, held in 1996, were run poorly and fraudulent. National Assembly elections are held every 5 years; the next elections are scheduled for late 2001. Candidates belonging to the PDG and other parties supporting President Bongo won more than 80 of the 120 seats, including 8 of 10 seats in the capital, where the opposition recently had won fairer local government elections. The military and NEC magistrates fraudulently ensured victory for parties supporting the President by altering vote counts arbitrarily, particularly in the capital.

The ability of citizens to choose their subnational governments remains limited in practice. Among subnational officials, provincial governors, prefects, and subprefects are officers of the central Government, responsible to the President. Mayors and municipal councils are elected; however, municipal governments have limited financial autonomy and depend heavily on funding from the central Government.

Local elections for mayors and municipal councils held in 1996 were organized poorly and later were repeated in key districts. In both sets of elections, opposition parties won most of the municipal council seats in the capital, Libreville, where the RNB candidate was elected mayor.

The Senate, the upper house of the bicameral national legislature, was created in 1996. The first elections for Senators were held in 1997. Municipal and regional government officials elect all 91 senators.

Major opposition parties include the RNB and the Gabonese Progressive Party (PGP). The RNB's political base is in the northern province of Woleu-Ntem, which is inhabited chiefly by members of the Fang ethnic group, and in Libreville neighborhoods with many Fang residents, although the party attracts some support from other regions and ethnic groups. Before the 1998 presidential election, the RNB split into two factions. In December it changed its name to the Rassemblement pour les Peuples Gabonais (RPG). The PGP enjoys strong support in Port Gentil, the center of the country's petroleum industry, and among the Myene ethnic group. Ideological splits and rivalries between Libreville and Port Gentil have reduced the effectiveness of the PGP.

There are no restrictions on the participation of women and minorities in politics; however, women and minorities are underrepresented in government and politics. At year's end,

7 of the 120 National Assembly representatives, 12 of the 91 senators, and 5 of the 41 cabinet members were women. Indigenous Pygmies rarely participate in the political process, and the Government has made only limited efforts to include them (see Section 5).

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government officially allows the existence of independent human rights groups, although few are active. These organizations advocate mostly on behalf of women, children, the disabled, and the homeless. The largest and best-financed domestic NGO's are government associated and financed; the president of one such NGO, GERDES-Gabon, is a senior official of the ruling party. Despite an October 1999 announcement that it would establish a National Human Rights Commission, the Government had taken no action to establish one by year's end.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution forbids discrimination based on national origin, race, gender, or opinion. The Government does not uniformly enforce these constitutional provisions and tolerates a substantial degree of discrimination against women, especially in domestic affairs. It has also provided a lower level of health care and educational services to children of families of other African nationalities than it provided to citizens.

*Women.*—Violence against women is common and is especially prevalent in rural areas. While medical authorities have not specifically identified rape to be a chronic problem, religious workers and hospital staff reported that evidence of beatings of women is common. Police rarely intervene in such cases, and women virtually never file complaints with civil authorities. Only limited medical and legal assistance is available.

The law provides that women have rights to equal access in education, business, and investment. Women own businesses and property, participate in politics, and work throughout the government and the private sector. Women nevertheless continued to face considerable societal and legal discrimination, especially in rural areas. According to a U.N. agency, 52 percent of women were literate in 1994, compared with 74 percent of men.

By law couples must stipulate at the time of marriage whether they intend to adhere to a monogynous or a polygynous relationship; according to one local NGO, polygynous marriages are more common. For monogynous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, husbands are obligated to give all wives the same level of financial support; however, he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive half of their existing support as a one-time payment. In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which is accepted socially and widely practiced, affords a woman no property rights.

An internal regulation still requires that a woman obtain her husband's permission to travel abroad; however, this requirement is not enforced consistently.

*Children.*—The Government has used oil revenue to build schools, pay teachers' salaries, and promote education, even in rural areas. However, with the decline in such revenues in the late 1990's, the upkeep of schools and payment of teachers has suffered. Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encouraged them to attend. Education is free except for miscellaneous expenses such as books and school supplies.

The country has a relatively high infant mortality rate, and not all children have access to vaccinations, although the Government worked with international donors to improve the situation. Traditional beliefs and practices provide numerous safeguards for children, but children remain the responsibility of the extended family—including aunts, grandmothers, and older siblings. There is little evidence of physical abuse of children, although there were some reports that girls were sexually abused by family members after reaching puberty. Protection for children's rights is not codified in law. Forced child labor and trafficking in children are problems (see Sections 6.c. and 6.f.).

There is concern about the problems facing the large community of children of African noncitizens. Almost all enjoy far less access to education and health care than do children of citizens and are sometimes victims of child labor abuses (see Section 6.d.). Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, occurs among the resident population of expatriate Africans. There are no laws against FGM, but according to local women's groups, it is not practiced on Gabonese children.

*People with Disabilities.*—There are no laws that prohibit discrimination against persons with disabilities or that provide for access to buildings or services; however, there were no reports of discrimination against the disabled.

*Indigenous People.*—The Baka people (Pygmies) are the earliest known human inhabitants of the country. Several thousand indigenous Pygmies live in the country, most in large tracts of still-intact rain forest in the northeast. Domestic law grants them the same civil rights as other citizens. Pygmies largely are independent of formal authority, keeping their own traditions, independent communities, and local decisionmaking structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. As a result, their access to government-funded health and sanitation facilities was limited. There are no specific government programs or policies to assist or hinder Pygmies.

*National/Racial/Ethnic Minorities.*—The country's citizen population includes several ethnic groups, each of which generally speaks a distinct primary language and is concentrated in an identifiable area of the country. There is no majority ethnic group; the largest ethnic group is the Fang, which makes up over 30 percent of the population and is concentrated in the north. Other major ethnic groups in-

clude the Myene, the Bapunu, the Bateke, the Obamba, and the Nzebi. Urban neighborhoods are not segregated ethnically; interethnic marriage is common.

There was some correlation between ethnic and political divisions. Support for the ruling party is stronger among persons from southern ethnic groups, including President Bongo's Bateke ethnic group, than among the northern Fang group or the coastal Myene group (see Section 3).

The Government generally fostered ethnic balance in the public sector, throughout which persons from all major ethnic groups continued to occupy prominent positions. However, there was evidence that members of President's Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions throughout the military and security forces (see Section 3).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions. Virtually the entire formal private sector work force is unionized. Unions must register with the Government in order to be recognized officially. Public sector employees may unionize although their right to strike is limited if it could jeopardize public safety. Until 1990 there was only one recognized labor organization, the Gabonese Labor Confederation (COSYGA), to which all unionized workers contributed a mandatory percentage of their salaries. In 1992 the Government accepted the establishment of independent unions and abolished the mandatory contribution to COSYGA. Since 1993 many independent unions have emerged, including powerful unions of teachers, civil servants, transport workers, and communications workers. Some independent unions have associated to form the Gabonese Confederation of Free Unions (CGSL). COSYGA has continued to be affiliated with the Government but has criticized publicly some government policies it perceived as contrary to labor interests.

In 1994 the National Assembly passed an extensively revised version of the Labor Code, which was published and implemented in early 1995. The code provides extensive protection of worker rights.

Strikes are legal if they are held after an 8-day notice advising that outside arbitration has failed. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions. It also provides that the Government cannot press charges against a group for criminal activities committed by individuals.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages. In both cases, although strikers burned tires and barricaded Libreville's main thoroughfare, police did not intervene. In August journalists at the national television station, RTG-1, also struck for back wages. The failure to pay salaries in both instances was attributed widely to a combination of managerial malfeasance and failure to receive adequate funds from the Government (see Section 2.a.).

Unions and confederations are free to affiliate with international labor bodies and participate in their activities. COSYGA is affiliated with the Organization of African Trade Union Unity, while the CGSL is affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL have ties with numerous other international labor organizations.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management meet to negotiate differences, and the Ministry of Labor provides an observer. This observer does not take an active part in negotiations over pay scales, working conditions, or benefits. Agreements also apply to nonunion workers. While no laws specifically prohibit antiunion discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

On October 16, 1998, authorities arrested and detained for more than 3 months the CGSL representative Jean-Remy Nguelany (see Section 1.d.). Nguelany was denied bail initially but was released due to lack of evidence in January 1999.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor, and there are no reports that it exists in the adult community. The Government also specifically prohibits forced and bonded labor by children; however it does not enforce this prohibition effectively. Children—in particular immigrant children—are forced to work as domestic or agricultural help (see Sections 6.d. and 6.f.). The U.N. Children's Emergency Fund (UNICEF) and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers.

The Government cooperated actively with the UNICEF and the International Labor Organization (ILO) to combat forced child labor. The Government cohosted a regional conference on the problem in February and subsequently created an interministerial committee to work with UNICEF and the ILO to address the issue. However, critics maintained that government efforts were ineffective.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. These ministries rigorously enforce this law with respect to Gabonese children, and there are few citizens under the age of 18 working in the modern wage sector. A significant number of children work in marketplaces or perform domestic duties. These children do not go to school, receive only limited medical attention, and often are the victims of exploitation by employers or foster families. Laws forbidding child labor theoretically extend protection to foreign children as well, but abuses often are not reported. Estimates of the number of child laborers range between 5,000 and 10,000, but the problem is difficult to quantify since most children work in the informal sector.

The Government has not ratified ILO Convention 182. It made a public commitment in February to eliminate the worst forms of child labor; however, the law does not define the worst forms of child labor or hazardous work, although the Legal Code stipulates fines and prison sentences for violations of the minimum age for working. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints; however, the inspection force is inadequate, complaints are not investigated routinely, and violations are not addressed adequately. There are no legal remedies available to private persons victimized by the worst forms of child labor.

From February 22 to 24, the Government cohosted a conference on child trafficking and exploitative labor in Central and West Africa as a cooperative effort between the Government, UNICEF, and the ILO; the Ministry of Labor chaired an interministerial committee to follow up on the recommendations of the regional conference. The Government also participated in a conference in Libreville from April 12 to 14 to address the problem of abandoned street children.

Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of all secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encourages them to attend.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.). UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural help (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Labor Code governs working conditions and benefits for all sectors and provides a broad range of protection to workers. The code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. All companies in the modern wage sector pay competitive wages and grant generous fringe benefits required by law, including maternity leave and 6 weeks of annual paid vacation.

Traditionally, representatives of labor, management, and the Government met annually to examine economic and labor conditions and to recommend a minimum wage rate within government guidelines to the President, who then issued an annual decree. This procedure has not been followed since 1994, in part because the Government was pursuing a policy of wage austerity recommended by international financial institutions. The monthly minimum wage, excluding benefits provided only to some workers, was approximately \$93 (64,000 FCFA). Government workers receive transportation, housing, and family benefits; however, the law does not mandate housing or family benefits for private sector workers. Given the high cost of living, the minimum wage does not provide a decent standard of living for a worker and family.

The Ministry of Health has established occupational health and safety standards, but it does not enforce or regulate them effectively. The application of labor standards varies greatly from company to company and between industries. The Government reportedly does not enforce Labor Code provisions in sectors where the bulk of the labor force is foreign. Foreigners, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently require longer hours of work from noncitizen Africans and pay them less, often hiring on a short-term, casual basis in order to avoid paying taxes,

social security contributions, and other benefits. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

*f. Trafficking in Persons.*—No law specifically prohibits trafficking in persons, (although authorities have indicated that a provision of the Constitution that prohibits endangering the physical well-being of a person authorizes the State to prosecute persons who commit this abuse), and there were reports of trafficking in children.

Children (especially girls) reportedly were trafficked into the country, primarily from West Africa, for use as domestic or agricultural labor (see Sections 6.c. and 6.d.). Some of the children reportedly suffered sexual abuse. UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers (see Section 6.c.). There were no reports that adults were trafficked to, from, through, or within the country during the year.

## THE GAMBIA

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing a democratically elected government. Jammeh resigned his military commission and was elected president in controversial elections in September 1996, which observers considered neither free nor fair. Two of the 13 members of the current Cabinet are retired army officers who were Jammeh's allies during or immediately following the coup, and security forces continue to exert strong influence in the Government. In January 1997, the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections, the results of which generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 assembly seats filled by election. The Constitution provides for an independent judiciary; however, the judiciary, especially at lower levels, reportedly is subject at times to executive branch pressure, although the courts have demonstrated their independence on occasion.

The Gambian National Army (GNA) reports to the Secretary of State for Defense (who is now the President). The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), established in 1995 by government decree, reports directly to the President but is otherwise autonomous. Members of the security forces committed serious human rights abuses.

The rapidly growing population of 1.384 million is divided between a rural majority and a growing urban minority. Much of the population is engaged in subsistence farming. The country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts (the country's primary export crop). The private sector is led by tourism, trading, and fisheries. The high population growth rate has diluted the positive effects of modest economic expansion. Per capita gross domestic product is estimated to be \$240, a decline from recent levels partly due to currency depreciation.

The Government's poor human rights record worsened, and it continued to commit serious abuses. President Jammeh's dominance and restrictions on opposition parties continued. In practice citizens do not have an effective right to change their government. Security forces committed some extrajudicial killings and beat or otherwise mistreated detainees and prisoners. Prison conditions remained very poor. Security forces arbitrarily arrested and detained citizens, particularly opposition politicians and journalists; some of the detainees alleged harsh treatment while being arrested and detained. The courts reportedly are subject to executive branch pressure, particularly at lower levels, although magistrates occasionally demonstrated some independence by ruling against the Government. There were reports of political prisoners. The Government at times infringed on citizens' privacy rights. The Government significantly limited freedom of speech and of the press through intimidation and fear. Journalists practice self-censorship. The Government restricted freedom of assembly and association. The opposition United Democratic Party (UDP) was repeatedly attacked at political rallies by agents of the allegedly disbanded progovernment July 22 youth movement. The Government denied the UDP party permits to hold rallies at several times throughout the year. The Government at times limited freedom of movement. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of politically motivated killings; however, on occasion, security forces committed extrajudicial killings.

On March 9, Ebrima Barry, a student, died after being taken into custody and reportedly beaten by fire department personnel. Security forces killed at least 14 persons during student riots on April 10 and 11 to protest the death of the student (see Section 2.b.). Security forces shot and killed Omar Barrow, a journalist and Red Cross volunteer, while he was working at the Red Cross facility to assist wounded demonstrators. Despite the Government's initial insistence that security forces did not use live ammunition to suppress the riot, student victims and other witnesses alleged otherwise. A government commission of inquiry reportedly concluded that the Police Intervention Unit (PIU) officers were "largely responsible" for many of the deaths and other injuries. The inquiry also revealed that five soldiers of the 2nd Infantry Battalion were responsible for the deaths of two students at Brikama. The Government stated that the report implicated several PIU officers in the students' deaths and injuries. The official coroner's report and commission of inquiry report were not publicized widely by the Government. Three police officers at Brikama were found to have unlawfully searched, arrested, and detained people there. At year's end, no action had been taken against those responsible for the shootings (see Section 1.d.).

On January 15, soldiers shot and killed two military personnel whom they were trying to arrest for allegedly attempting to overthrow the Government (see Section 1.d.).

In January 1999, rebels allegedly belonging to the Movement of Democratic Forces for the Casamance (MFDC) in Senegal crossed the border and attacked the village of Gambissara, killing two persons. On January 16, police arrested three alleged members of the MFDC; however, at year's end, the Government had taken no further action in the case.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture or inhuman or degrading punishment; however, security forces sometimes beat or otherwise mistreated detainees and prisoners. There also were reports that security forces beat military and security detainees, and that security prisoners sometimes are threatened with summary execution.

Security forces beat several dozen persons including school children during the April 10 and 11 student demonstrations (see Sections 1.a., 1.d., and 2.a.). Many detained students claimed that armed soldiers beat them with gun butts and iron cables. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses reported seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes. Other witnesses reported that a mother, attempting to see her child at the Kairaba police station, was beaten severely with a rifle butt. The students were protesting the death of a student on March 9 while in custody of fire department personnel and the alleged early April rape of a girl by an unidentified man in uniform, whom many believed to be a member of the Government's security forces.

On January 15, Ousman Ceesay, a freelance reporter, claimed to have suffered rough treatment and threats by soldiers in Banjul for interviewing a soldier at the site of an exchange of gunfire between soldiers and units of the State House Guards.

In May a journalist from the Democratic Republic of the Congo (DRC) reported that he was arrested, detained, beaten, and denied medical treatment by immigration authorities (see Section 1.d.).

Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul (see Section 2.d.).

No action was taken in the 1999 case when police allegedly severely beat and tortured an opposition politician who was arrested and detained for 2 days. There were no developments in the promised investigation of the detention and torture of eight UDP officials in 1997. At the time of the incident, the Government promised a full investigation and appropriate action by the Attorney General. Since the incident, police investigators have interviewed some witnesses, but some victims have said that they have not been contacted. No one has been arrested, and no results of the investigation have been made public.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained very poor. Mile 2 prison was reported to be grim, overcrowded, and lacking in medical facilities.

ties. Prisoners were locked in their cells for over 20 hours each day. There were credible reports of beatings, malnourishment, and other harsh treatment of political, military, and security detainees. Women are housed separately; juveniles are housed with adults.

Conditions in one representative local jail reportedly were unsanitary and overcrowded. Inmates slept on cement benches or on the floor without blankets. There was one water tap in the cell area but often no water. Police are reluctant to terminate fistfights between prisoners until the dispute is settled, and many of the prisoners are injured.

Local nongovernmental organizations (NGO's) generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year. The International Committee of the Red Cross visited local prisons several times during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution includes provisions to protect against arbitrary arrest and detention; however, on occasion, security forces arbitrarily arrested and detained citizens. Periods of detention ranged from a few hours to several days.

The Government has not revoked formally military decrees enacted prior to the current Constitution that give the NIA and the Secretary of State for Interior broad power to detain individuals indefinitely without charge if "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not yet been subject to judicial challenge. The Government has stated that it no longer enforces these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours.

In January military officials arrested and detained Lieutenant Landing Sanneh and at least 10 other military personnel accused of attempting to overthrow the Government on January 15. Lieutenant Almamo Manneh and Corporal Momodou Dumbuya, also implicated in the alleged plot, were shot and killed by soldiers who were trying to apprehend them. The treason hearing of Lieutenant Sanneh opened on May 12 at the High Court, but the other detained soldiers were not brought before a military or civilian court by year's end. In September the army announced that some of the soldiers who had been detained at the Yundum Barracks in connection with the January 15 alleged coup were released and returned to active duty. At year's end, at least one soldier, the alleged coup leader, was still detained without charge.

On February 4, police arrested Momodou Wallom Jallow, an independent National Assembly member, in his constituency in Niamina district and detained him at the NIA headquarters in Banjul for 4 days without charge. Jallow's political opponents allegedly reported him to the police for making favorable comments regarding the alleged coup attempt.

In April police arrested five UDP activists of Tambakoto village, North Bank Division and detained them at the Janjanburay prison for several days following a fight with the village head, who subsequently seized their farm lands (see Section 1.f.). The five claimed wrongful arrest and detention, and complained about poor prison conditions and inadequate food (see Section 1.c.).

Following a demonstration on April 10 (see Sections 1.a., 1.c., and 2.b.), security forces arrested hundreds of students and detained them at police stations, military barracks, and the NIA headquarters between April 10 and 15. Some students were held incommunicado for over 72 hours, often with little food or water. Student leaders were held for longer periods; some were held over 2 weeks. Parents were denied access to their children. On May 18 the Supreme Court ordered the release of all students. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses report seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes.

On April 12, police arrested a UDP National Assembly member, Buba Samura, in Brikama while he was traveling to Banjul. He was detained incommunicado at the Brikama Police station for several days without charge. Allegedly Samura was arrested after he was overheard commending the students for their actions during the April 10 and 11 demonstrations and stating that President Jammeh's misrule caused the riots.

In May Mohamad Mboyo, a visiting journalist from the DRC, reported that he was arrested unlawfully and detained for more than 24 hours by the police. Mboyo was arrested by an immigration officer at the Banjul ferry terminal and accused of



"being a Nigerian" despite his identification papers to the contrary. He allegedly was beaten, detained, and denied medical treatment.

On June 17, during a country-wide political campaign, UDP leader Ousainou Darboe, 80 UDP supporters, and journalist Madi Ceesay were detained at the Basse police station for 3 days following a clash between supporters of the ruling APRC and the UDP in which an APRC supporter allegedly was killed. Police denied the UDP party permits to hold rallies in Upper River Division after the incident. Darboe, 24 UDP supporters, and Ceesay were charged with the murder of the APRC supporter Alieu Njie. The Supreme Court dismissed the charges against 19 UDP members and journalist Madi Ceesay in October; however, the murder charge against UDP leader Darboe and 4 of his closest associates remained in effect, and Darboe's trial began on November 1. No decision had been made on the case by year's end.

Between June 22 and 23, security agents arrested and detained four civilians (Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Modou Saho) and two security officers (lieutenants Lalo Jaiteh and Omar Darboe) on suspicion of attempting to violate state security. Persons claiming to be security forces abducted the civilians from their homes; initially, both the NIA and police denied knowledge of their arrests and detentions. After 3 weeks of complaints by their families, the Inspector General of Police revealed that the four civilians and two security officers had been arraigned before a Magistrates' Court on July 14 on charges of treason. According to their attorneys, the accused were not charged within the constitutionally required 72 hours. At year's end, some of the individuals were released, but others continued to be detained pending a trial.

In June army and NIA officers arrested, detained, and held incommunicado a local employee of a foreign embassy. He was questioned for 2 days in regard to his official duties and ultimately released without charge.

On July 25, the police arrested the editor in chief and a journalist from the Independent newspaper and detained them at the Banjul police station for reporting on a hunger strike at Mile 2 Prison (see Sections 1.c. and 2.a.).

On September 2, police arrested Omar Kebba Mass, a UDP National Assembly member, and 16 UDP supporters and detained them at the Mansaknoko police station for approximately 13 hours without charge. The UDP officials allegedly were detained because of a fight with APRC supporters at a football match; the APRC supporters were not detained.

In January charges of "libel against the President" were dropped for three journalists from The Independent newspaper.

Police arrested and detained several opposition militants. Three opposition National Assembly members and supporters were arrested and detained during the year, some for more than 72 hours, without charge.

The Government did not use forced exile; however, former President Jawara remains outside the country under threat of arrest and detention on corruption charges if he returns. Other senior officials of the former government, for example, Vice President Saihou Sabally and Secretary General Abdou Sara Janha, also remained outside the country, but do not face official charges.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary reportedly is subject at times to executive branch pressure, especially at the lower levels. The courts nevertheless have demonstrated their independence on several occasions, at times in significant cases. For example, following the April riots, the Supreme Court ruled that the continued detention of Gambia Student Union leaders was illegal. Also the Supreme Court required that chieftaincy elections be held in the Saami district in November, ruling that a presidentially appointed chief was installed unconstitutionally following the President's dismissal of the previous chief.

In 1997 the Court of Appeal, the country's highest court, overturned the treason convictions and death sentences of four men who led an abortive coup in November 1996. The Government has appealed this decision to the Privy Council in London, but at year's end, the case was pending before the Supreme Court.

The judicial system comprises the Court of Appeal, high courts, eight magistrate's courts and a Supreme Court, which began operations in 1999. Village chiefs preside over local courts at the village level.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law is observed primarily in Muslim marriage and divorce matters. General law, following the English model, applies to felonies, misdemeanors in urban areas, and the formal business sector. Trials are public, and defendants have the right to an attorney at their own cost.

Persons have been held extended periods without trial. For example, Suwandi Camara was arrested in Senegal in March 1997 and extradited to the Gambia in July 1997. Subsequently, he was interrogated by the NIA and taken to Mile 2 prison; no charge was brought against him, and in December the Government objected to his request for bail. However, on December 14, the High Court ruled that Camara's arrest and continued detention was unlawful and unconstitutional, and it ordered his immediate and unconditional release.

The 1998 trial of three men accused of complicity in a July 1997 coup attempt concluded in October 1998 with the conviction of treason of the three; they were sentenced to death. Their appeals of the convictions were pending at year's end.

The junta that took power in 1994 appointed four commissions to investigate individuals and organizations suspected of corruption during the First Republic. These commissions had powers similar to a grand jury, with additional authority to recommend the seizure of assets, to imprison and fine for contempt, and to imprison or demand bond from individuals considered likely to abscond. The commissions were closed in December 1999; however, no findings were made public by year's end.

There are reports of a small number of political prisoners, including the former AFPRC vice chairman, Lieutenant Sana Sabally, held at Mile 2 prison in Banjul. International and domestic human rights organizations were not permitted access to these individuals.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such abuses; however, although the Government generally respects these prohibitions, in practice there were some exceptions. The Government has not canceled Decree 45, which abrogates Constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree remains formally in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appears not to enforce it, but no court case has been brought to test the decree's constitutionality.

Observers assume that the Government monitors citizens possibly engaged in activity that it deems objectionable. In the past, surveillance included monitoring of telephones and mail. In previous years, investigating commissions made findings resulting in the forfeiture of private property, principally that property held by former government and parastatal officials. The work of these commissions, which began under the AFPRC regime, is sanctioned under the Constitution with provisions for due process; however, it is not clear that the full rights of due process were accorded to officials investigated by the commissions before the Constitution took effect. The evidentiary standards applied by the commissions in ordering the forfeiture of money and property are not clear, and orders by the commissions have not yet been subject to effective judicial review.

Following the student demonstrations, security forces undertook a search to arrest students suspected of participating in the demonstrations (see Sections 1.d. and 2.b.).

The Government restricted the right to transfer funds or assets of most senior officials of the former Jawara government accused of corruption.

In April the Tambakoto village head illegally seized the land of five UDP activists; by year's end, the lands had not been returned.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press; however, in practice, the Government significantly limited the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. The Government also employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). As a result, journalists practice a significant degree of self-censorship.

In January President Jammeh dropped the libel charges against the Independent Newspaper's editor in chief Baba Galleh Jallow, managing editor Alhagie Yoro Jallow, and a journalist. The Independent staff were arrested and charged for "libel against the President" following an article they wrote in December 1999 that questioned the stability of Jammeh's marriage. However, the editors of The Independent claimed that the Government continued to harass and intimidate their staff and families after the charges were dropped. On June 20, immigration officers questioned Baba Galleh Jallow and Alhagie Yoro Jallow regarding their citizenship. On July 25, Baba Galleh Jallow and reporter Alhagie Mbye were taken to Banjul Police headquarters and detained for 7 hours because of an article that they published regarding a hunger strike at Mile 2 prison (see Section 1.c.).

In July President Jammeh threatened to discharge the staff of the state-owned Gambia Radio because he suspected them of being opposition sympathizers.

Jammeh made the threat during a meeting with APRC youth wing members on the anniversary of the July 22 coup that brought him to power. He claimed that members of the Radio Gambia staff misrepresented his speeches in their news bulletins, and he warned that anybody "bent on disturbing the peace and stability of the nation will be buried 6 feet deep". Private journalists and the general public condemned Jammeh's threat and accused him of intimidating journalists of the public radio and television.

Decrees 70 and 71, enacted in 1996, remained in effect and continued to inhibit free reporting. The decrees require all newspapers to post a \$6,500 (100,000 Dalasis) bond or cease publication. The bond is required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications are not subject to these decrees. The possession and distribution of documents deemed to be "political literature" also is barred by decree. These decrees and the fear of reprisals and government action have had a chilling effect on the press. Although still independent, the nongovernment press practices a significant degree of self-censorship. However, strong criticism of the Government was frequent, and opposition views appeared in the independent press. English, French, and other foreign newspapers and magazines were available.

Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. Only one private radio station produced independent news broadcasts throughout the year. In 1998 the Kanifing Magistrates Court seized the independent Citizen FM radio station and its equipment for failure to pay licensing fees. On July 3, the High Court ruled that the Government had seized Citizen FM radio station wrongly and ordered that the station's assets be returned to the station's proprietor. The station resumed broadcasting in October. Occasionally there were public affairs broadcasts on at least two independent radio stations. The British Broadcasting Corporation, Radio France International, and other foreign news reports sometimes are rebroadcast by local stations, and all are available via shortwave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also used television satellite systems for independent news coverage.

On August 10, a group of unidentified arsonists attempted to burn the private radio station, Radio 1 FM. Owner George Christensen, a radio announcer, and a watchman were injured while trying to extinguish the fire. Christensen reported that he had been alerted 2 days earlier that some persons were planning to attack the radio station, and he had informed a senior army officer about the matter. On August 14, a group of unidentified persons again attempted to burn the house of a Radio 1 announcer.

Government radio and television gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

There were no reports of any government restrictions on academic freedom. There is one national college, a university extension program, and several smaller, private, postsecondary educational institutions.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings.

On April 10, Gambia Student Union members attempted to hold a peaceful demonstration to protest the alleged mishandling of the investigation into the death of a student while in the custody of fire officers (see Section 1.a.). The students also were protesting the alleged rape of a 13-year old school girl by an unidentified man in uniform (see Section 1.c.). When police attempted to stop the demonstration, the student demonstrators burned tires and threw stones. In response security forces used live ammunition against the students, killing and injuring many students and arrested hundreds of students (see Sections 1.a., 1.c., and 1.d.).

In June and July, the Government denied the UDP permits to hold rallies following a clash between a group of former-July 22 APRC Movement members and UDP supporters on June 17. The UDP was blamed for violating conditions of the Public Order Act by using abusive words against government authorities and individuals at public rallies. However, after July the UDP held several rallies in the greater Banjul area without government intervention.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Decree 89 banned from political activity three major

opposition political parties, and all former presidents, vice presidents, and ministers until 2024. The decree's penalty of life imprisonment for an individual or a \$65,000 (1 million Dalasis) fine for an organization considerably restricts political activity (see Section 3). Despite the fact that the decree apparently conflicts with provisions of the Constitution, it has not been challenged in court. The severe penalties for violating the decree have inhibited political challenge, since most cases would have to be brought by a person who violated the decree. The three banned major parties have not resumed activity nor have the various political figures covered under the ban done so.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

In May 1998, the imam of the largest mosque in Brikama was arrested together with a leading opposition party politician and eight others in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. In February 1999, the High Court acquitted all of the defendants of destruction of property and discharged the case. However, the Government filed an appeal in the High Court for the imam and three others to be retried. The imam's lawyer filed a writ of summons in the High Court, which ruled that it had no jurisdiction over the matter and referred the case to a district tribunal. Subsequently, the case was filed at the Court of Appeal, but the case was adjourned until April. At year's end, it had not been heard. In November the imam was reinstated at the Brikama mosque and was leading prayers.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement but allows for "reasonable restrictions," and there were instances in which the Government restricted this right. Following the alleged January 15 coup attempt, armed soldiers harassed and detained citizens and foreigners at the Denton Bridge checkpoint for not carrying their identification cards. However, the Army Chief of Staff, at a press conference on January 19, apologized to the victims and called on the public to understand that the soldiers only were conducting their duties for security reasons. There were no reported harassments and detentions thereafter.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. A few politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. The leader of the opposition UDP and other opposition figures have traveled outside the country without incident.

The law does not provide for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although there was no available estimate of the numbers involved, the Government provides first asylum and provided it to persons from Senegal and Guinea-Bissau during the year. The Government works with the UNHCR and local NGO's in processing refugee claims. The country hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continued to host approximately 3,500 Senegalese refugees from the troubled Casamance region. There were no further UNHCR repatriations to the Casamance as in previous years.

There were no reports of the forced return of persons with a valid claim to refugee status to a country where they feared persecution.

There were reports that on occasion, immigration authorities harassed and detained immigrants and others (see Sections 1.c., 1.d., and 2.a.).

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Despite a new Constitution and legislative elections in 1997, citizens still do not have an effective right to change their government in practice. Citizens attempted to exercise this right in presidential elections in 1996; however, the few international observers who were present noted serious problems in the electoral process. Foreign governments criticized the election as not being free and fair, primarily because of government intimidation, restrictions imposed by the Government on opposition campaign efforts, and limited access to the government-owned media prior to the election.

Government-owned media continued to deny news coverage and other access to opposition politicians and engaged in a number of other practices that restricted political activity (see Section 2.a.). The Government frequently refused to authorize opposition meetings (see Section 2.b.). Decree 89 bans three former political parties and all persons who held the offices of president, vice president, and minister since

1965 from involvement in politics until 2024 (see Section 2.b.). Although Decree 89 apparently is unconstitutional, it has not been challenged in the courts and remained in effect. The severe penalties for violating the decree have inhibited challenge, since most cases would have to be brought by a person who violated the decree.

In January 1997, the Constitution of the Second Republic came into effect, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC) won 33 of 45 assembly seats filled by election; 4 members are appointed by the President. Procedural methods are used to restrict debate within the National Assembly.

The Constitution provides for the democratic election of the President every 5 years. National Assembly elections are held 3 months after the presidential elections. Presidential elections are scheduled for 2001. Local elections originally scheduled for 1998 were postponed; no new date has been fixed yet.

There are no legal obstacles to the participation of women in government; however, they are underrepresented in government and politics. One of the 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Women's Affairs) is a woman, and there are two female ministers in the Cabinet.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are several organizations whose mandates provide for human rights monitoring. The AFPRC's Decree 81 of 1996 requires NGO's to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate (including that of international NGO's). However, the Government did not take action against any NGO's during the year.

There are three major organizations whose primary mandate is the promotion of human rights—the International Society for Human Rights (ISHRA), the African Center for Democracy and Human Rights Studies (ACDHRS), and the Institute for Human Rights and Development (IHRD). Both the ISHRA and the ACDHRS have conducted training in democratic rights and civic education. The IHRD focuses principally on the operations of the African Commission on Human and Peoples' Rights, an organ of the Organization of African Unity based in Banjul. Other human rights groups included the African Society of International and Comparative Law with two full time staff members and the Foundation for Research on Women's Health, Productivity, and the Environment organized in 1991 to work on issues pertaining to woman's health and productivity with two full-time staff working on FGM.

In May 1999, President Jammeh appointed the first government ombudsman as required in the Constitution. On May 3, 1999, the National Assembly approved the appointment. During the year, the office of the ombudsman began operations and was charged with investigating allegations of maladministration, mismanagement, or discrimination; however, it did not take significant action in these areas.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government generally respects these prohibitions.

*Women.*—Domestic violence, including abuse, is a problem; it is reported occasionally, and its occurrence is believed to be common. Police tend to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape and assault are crimes under the law; rape is not common. The law does not differentiate between married and unmarried women in this regard. Sexual harassment is not believed to be widespread, although individual instances have been noted.

Traditional views of women's roles result in extensive societal discrimination in education and employment. Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavors such as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally receive a lower proportion of assets distributed through inheritance than do male relatives.

Marriages often are arranged and, depending on the ethnic group, polygyny is practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or

Active women's rights groups exist; they are focused primarily on economic issues and the elimination of female genital mutilation (FGM).

*Children.*—The Government is committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs are the two most generously funded departments. However, the lack of resources limits state provision of both education and health services.

The Constitution mandates free compulsory primary education, but the state of the educational infrastructure prevents effective compulsory education. However, in February 1998, the President announced an end to fees for the first 6 years of schooling, and the Government has implemented the decision. Opportunities for secondary education are more limited. The participation of girls in education is very low. Females constitute about 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls is particularly low in rural areas where a combination of poverty and socio-cultural factors influence parents' decisions not to send girls to school.

The care and welfare of children in distress is considered primarily a family responsibility. In cases of divorce, the Department of Social Welfare attempts to require periodic financial support by fathers; however, there is no criminal prosecution when fathers fail to provide financial support.

Authorities generally intervene when cases of child abuse or mistreatment are brought to their attention; however, there is no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age; incest is also illegal. These laws generally are enforced. Serious cases of abuse and violence against children are subject to criminal penalties.

There are a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution, which is prosecuted vigorously. In rural areas, most children assist their families in farm and housework. In urban areas, many children work as street vendors or taxi and bus assistants (see Section 6.d.).

The practice of female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and entrenched. Reports place the number of women having been subjected to FGM at between 60 and 90 percent. Seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 16 years old. In recent years, the Government publicly has supported efforts to eradicate FGM and discourages FGM through health education; however, the Government has not passed legislation against FGM, and FGM is not considered a criminal act. In February 1999, President Jammeh stated publicly that the Government would not ban FGM, and that FGM is a part of the country's culture.

*People with Disabilities.*—There are no statutes or regulations requiring accessibility for the disabled. No legal discrimination against the physically disabled exists in employment, education, or other state services. Severely disabled individuals subsist primarily through private charity. Less severely disabled individuals are accepted fully in society, and they encounter no discrimination in employment for which they are physically capable.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1990 Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. It specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions or striking. About 20 percent of the work force is employed in the modern wage sector, where unions are most active. Approximately 30,000 workers are union members, constituting about 10 percent of the work force. The country became a full member of the International Labor Organization (ILO) in 1995; however, it has not ratified any ILO conventions.

The Gambian Worker's Confederation and the Gambian Workers' Union (GWU) are the two main independent and competing umbrella organizations. The Government recognizes both organizations.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur.

In July there was a brief strike for higher wages at a Banjul soft-drink factory; the strike was resolved, but details of the settlement were not disclosed.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU is a member of the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The 1990 Labor Act allows workers to organize and bargain collectively. Although trade unions are small and fragmented, collective bargaining takes place. Each recognized union has guidelines for its activities specified by the appropriate industrial council established and empowered by the Labor Act. Union members' wages exceeded legal minimums and are determined by collective bargaining, arbitration, or agreements reached between unions and management after insuring that the agreements are in compliance with labor law. No denial of registration has been reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. Several companies, including peanut oil exporters, began operation in the EPZ in August.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law does not prohibit specifically forced or bonded labor by children; however, it is not known to occur. Most children performing customary chores or who are engaged in petty trading do so as a part of an extended family (see Section 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children complete formal education by age 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. The tourist industry has stimulated a low level of child prostitution (see Section 5).

On November 8, the National Assembly approved ILO Convention 182 on the worst forms of child labor; however, as of year's end, the Government had not completed formal ratification procedures. The Department of State for Labor is responsible for implementing the terms of the convention.

The law does not prohibit specifically forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—Minimum wages and working hours are established by law through six joint industrial councils: Commerce; Artisans; Transport; Port Operations; Agriculture; and Fisheries. Labor, management, and the Government are represented on these councils. The lowest minimum wage is about \$0.80 (12 Dalasis) per day for unskilled labor. This minimum wage is not sufficient to provide a decent standard of living for a worker and family. Only 20 percent of the labor force, essentially those workers in the formal economic sector, are covered by the minimum wage law. The majority of workers are employed privately or are self-

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## GHANA

Ghana is a constitutional republic dominated by a strong presidency. Flight Lieutenant (ret.) Jerry John Rawlings ruled the country for 19 years after taking power in 1981. He became the first President of the Fourth Republic following controversial elections in 1992. These elections ended 11 years of authoritarian rule under Rawlings and his Provisional National Defense Council (PNDC), which had seized power from an elected government in 1981. Six opposition parties and the ruling National Democratic Congress (NDC) contested the presidential and parliamentary elections in December which, despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. The largest opposition party, the New Patriotic Party (NPP), won 100 seats out of the 200 seats in Parliament. The NDC, President Rawlings' party, won 92 seats; independents and 2 smaller opposition parties won 8 seats. On December 28, the NPP candidate John Agyekum Kufuor became president-elect with 56.7 percent of the vote. He was scheduled to assume office on January 7, 2001. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In reality this system of checks and balances under President Rawlings has been circumscribed by a parliament dominated by the President's party, a hesitant judicial service, and a system-wide lack of resources that hobbled the effectiveness of all three branches. The presence of a significant number of opposition parliamentarians has led to increased scrutiny of the Government's activities. In 1998 in peaceful elections, voters elected new district assembly representatives and, for the first time, unit committee members to complete the local government structure outlined in the Constitution. The judiciary appears subject to executive influence on occasion and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eightmember Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, the monitoring, supervision, and education of the police in particular remain poor. Police and other security forces committed some serious human rights abuses.

The economy remains dependent on agriculture, with about 41 percent of gross domestic product (GDP) and 59 percent of employment derived from this sector, according to government statistics. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa and gold revenues fell due to the drop in the prices of these commodities on the world market. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry, according to an International Labor Organization (ILO) study released in September 1999. The economy grew at a rate of 3.0 percent, down from 4.4 percent in 1999, due to the fall in the world price of gold and cocoa and the increase in the price of crude oil. Inflation increased from 14 percent to 40 percent. Per capita GDP remained at approximately \$400.

The Government's human rights record was poor in a number of areas; although there were significant improvements in several areas, some serious problems remained. Police use of excessive force resulted in some extrajudicial killings and injuries, although fewer than in previous years. There continued to be credible reports that members of the police beat prisoners and other citizens, and that police and some elements of the military arbitrarily arrested and detained persons. Police corruption was a problem. Prison conditions remained extremely harsh, and prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. At times the Government infringed on citizens' privacy rights. The Government continued to prosecute two criminal libel cases. The Government continued to pressure the media, and some journalists practiced self-censorship; however, the nongovernment media continued its vigorous and outspoken criticism of various government policies. At times the Government restricted freedom of assembly. Police used force to disperse demonstrations. Violence against women is a serious problem. Traditional practices, including a localized form of ritual servitude (Trokosi) practiced in some rural areas, still result in considerable abuse and discrimination against women and children. Female genital mutilation (FGM) still is practiced. Religious differences led to tension and occasional clashes between different groups. There were some incidents of ethnically motivated vio-



lence, and some ethnic groups complain of discrimination. Child labor is a problem in the informal sector, and forced child labor and trafficking in women and children also are problems. Vigilante justice also is a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Security forces committed a number of extrajudicial killings. The number of deaths reportedly caused by members of the security services decreased from nine in 1999 to five during the year; the continued use of rubber bullets and water cannons gave the police the ability to manage crowd control situations without killings or serious injuries. In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remains low but was improving over the previous year; however, mobs attacked several police stations due to perceived police inaction, a delay in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice. In 1999 the presidential Archer Commission issued a white paper critiquing police operations and providing specific directives as to how to address police manpower, training, and logistical needs. The Inspector General of Police (IGP) publicly acknowledged these problems and attempted to address them through training in human rights and riot control.

On January 2, a policeman shot a 23-year-old man who was sitting with friends in a cemetery in Madina (Greater Accra Region). Police investigations into the killing were ongoing at year's end.

On April 20, police killed a miner during a conflict between 120 military and police personnel and over 100 men attempting to steal ore from a gold mine in Bibiani, a Western Region town. As a result of the shooting, the illegal miners rioted, burning and stealing over \$1.6 million (8 billion cedis) worth of property. A joint police and military team arrested 94 suspects for involvement in the riot. Forty-eight were remanded to prison custody pending trial.

On July 8, police killed a young man who had a history of mental illness in Akropong in the Eastern Region. The man reportedly resisted arrest and was beaten by police, necessitating a hospital trip for treatment. The police reportedly approached him again at the hospital and shot him. Police statements alleged that the man had become violent during the scuffle at the hospital, and that the policeman's gun fired accidentally, killing the man.

On August 12, one person was killed and another injured during a dispute between off-duty junior military officers and the bartender at an Accra nightclub. President Rawlings, the Minister of Defense, and the acting army commander attended the person's funeral. Rawlings assured those at the funeral that the military would cooperate in the police investigation. Five officers were accused of involvement in the incident and remained in detention at year's end pending the results of the investigation, which was transferred from the police to the military. A sixth officer present at the nightclub that evening, a member of the 64th Infantry Regiment, was identified as the person who fired his weapon. He reportedly committed suicide within 2 weeks of the incident.

On November 26, police shot and killed an alleged fuel smuggler in the Afedifo in the Volta Region. The police were in pursuit of a reported fuel smuggling group, which ignored police calls to halt. The alleged smuggler died of gunshot wounds to the back and stomach. Police investigations were ongoing at year's end.

A driver who on October 29 allegedly caused an accident involving the President and his wife and in which 4 of Rawlings' bodyguards were killed, died of unexplained causes on December 8 while hospitalized. On December 5, the suspect had appeared before the Accra Circuit Tribunal charged with 2 counts of manslaughter and negligently causing harm. The chairman of the tribunal ordered the police to take the suspect to the Police Hospital because he appeared ill, which they did on December 6. The Bar Association condemned the circumstances of the driver's arrest and called for the autopsy report to be released to the public. The report had not been released by year's end.

Many persons died in prisons due to extremely harsh conditions and lack of medical treatment (see Section 1.c.).

A former chief and more than 60 residents of a town who were arrested in connection with the January 1999 case in which police shot and killed a farmer during a riot at Juaso in the Ashanti Region, were released on bail. The case was still under investigation at year's end.

The IGP recommended an inquiry into the February 1999 case of police who fired into a crowd at the Konkomba market in Accra and ordered that those liable be prosecuted. The police have yet to announce the findings of the investigation.

The employee of the National Security Council who allegedly shot and killed an agricultural officer in June 1999 received a death sentence in July. His lawyers filed an appeal.

In February the Commissioner of the Police Criminal Investigations Division (CID) forwarded the 1999 case of a police shooting of a vendor who later died at Soe, near Bolgatanga in the Upper East Region, to the Attorney General's office for prosecution. The committal proceedings, when an alleged offender is brought before a district court to hear summary of the evidence against him, were ongoing at year's end.

A police officer accused of killing a passenger in a truck in August 1999, after the driver refused to stop when signaled to do so in Winneba in the Central Region, was arraigned before a community tribunal and granted bail pending further investigation. The police have received the ballistic examination report and forwarded the case to the Attorney General for prosecution.

An investigation into the November 1999 police killing of the driver of a timber truck at a police barricade in the Ashanti region town of Barekese was ongoing at year's end.

There were no further developments in the September 1999 case in which police shot and killed a driver at his residence in Korpeyia, near the border with Togo. The police maintained that the deceased was a notorious criminal who threatened to kill a policeman who had gone into his house to arrest him, and that the policeman shot him in self-defense.

In the December 1999 case of a police and military patrol team's killing of two taxi passengers in Tema (Greater Accra Region), the regional police commander in Tema submitted his reports to the commissioner of the CID in June. The report maintains that the two passengers were suspected armed robbers. The case is with the Attorney General's office for advice.

In 1999 the committee investigating the police officer implicated in the May 31, 1998 killing of a bystander in Sekondi indicted the officer in charge. The police had not compensated the family of the victim by year's end, nor was there a trial; however, the leader of the police team was facing a departmental service inquiry for unprofessional conduct during the operation.

In June 1999, the family of a man who died on November 9, 1998 in a Western Region police cell reasserted that the deceased was brutalized by police and detained in handcuffs for 5 days. In response to a family petition filed a week after the death, the regional police command denied that police mistreated the deceased. No independent inquiry or investigation has been conducted.

The Government continued to refuse to investigate extrajudicial killings in the early years of PNDC rule (1981 to 1992), despite the July 1999 publication of the names of 199 alleged victims in an independent newspaper.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Sections 1.c. and 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture or other cruel, inhuman, or degrading treatment or punishment; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It generally is believed that severe beatings of suspects in police custody occur throughout the country but largely go unreported.

On January 15, following a November 1999 traffic accident, a young man, whose 2-year relationship with the President's oldest daughter had ended, reportedly was abducted by members of the presidential guard and detained at the Castle (the President's office and residence). Reportedly the guards beat and threatened him. He claimed that members of the presidential guard shaved his head with a broken bottle. The man was released without charges on January 17. During his detention, the man's parents protested outside the Castle gates without receiving any information regarding their son's whereabouts and were detained and later convicted of offensive conduct and assault on a public officer (see Section 1.e.). On September 1, the First Lady stated that the man was arrested for a traffic offense, not abducted, and that his head was shaved for routine identification purposes. In July the young man left the country.

In January after reports were made regarding a series of disturbances, including arson and looting due to a conflict between two chiefs, 20 police officers arrived in Asankranguaaa (Western Region) to maintain order. Upon their arrival unknown persons shot at the officers, killing one and injuring another. A civilian also was shot by another civilian. The police detained 70 persons during their investigation of the incident. Four persons accused of murdering the police officer were granted bail of \$6,000 (30 million cedis) pending further police investigation. The regional minister set up a committee of inquiry to look into the alleged looting and arson and submit recommendations to the minister. In addition the Member of Parliament (M.P.) for the area requested that the police inspector further investigate allegations of police misconduct during the incident. Police burned houses, slaughtered animals, stole property, and assaulted civilians during the course of the incident.

In January a 65-year-old cocoa farmer from Dadieso in the Western Region alleged that a police inspector detained him for 2 days without bail and beat him after allegations that he owed the Government money. The inspector denied the charges and refused to pay the farmer's hospital bills. The IGP was investigating the case at year's end.

In January and June, police dispelled student demonstrations in Kumasi and caused some minor injuries (see Sections 2.a. and 2.b.).

On March 25, police used tear gas and rubber bullets to disperse a crowd that gathered as a result of a dispute between two assemblymen in the Eastern Region town of Asutsuare. Sixtyeight civilians were arrested 3 days after the conflict, including one of the assemblymen. Some of those arrested claimed that police brutalized them during the arrest. On July 23, the other assemblyman involved in the dispute and some other civilians allegedly attacked farms and residents in Asutsuare, burning and looting homes. Members of the 64th Infantry Regiment were dispatched to control the situation. Two soldiers later were arrested and charged with gross misconduct and unprofessional behavior for taking sides in the dispute. On August 14, five policemen sent to arrest some of the offenders were attacked by those involved in the July 23 incident, and one policeman was injured badly. Thirty men eventually were arrested, and 22 were remanded into custody on a charge of attempted murder. The military set up a committee to investigate the incidents and stated that those involved would be punished severely. The District Chief Executive, the M.P., and the chief for the area exhorted citizens to resolve their differences. The M.P. also denied allegations that he had hired policemen to harass the inhabitants. The district assembly agreed to help resettle those whose houses were burnt.

On June 8, 25 off-duty soldiers attacked and injured over 20 civilians, including a taxi driver who allegedly insulted a group of intoxicated soldiers the previous evening in the Asylum Down area of Accra. The soldiers chased the taxi driver and other witnesses, and allegedly beat them. One soldier was wounded in the counter-attack. The first victim reported the incident to the police, and the police investigation continues. The armed forces stated that it was investigating the incidents independently.

Police used tear gas to disperse a group of civilians who attacked the Navrongo police station (Upper East Region) on July 15, in an attempt to release suspects in the cells.

On July 8, police beat a man who resisted arrest and then shot him at the hospital where he was being treated for his injuries (see Section 1.a.)

On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage (see Section 6.b.). Police used water cannons in Accra to prevent blocking of traffic at a major circle; however, no injuries were reported in Accra or elsewhere.

In August a businessman reported that he was detained and abused by members of the elite 64th Infantry Regiment. He said that his former wife hired the soldiers to force him to repay a debt that she claimed that he owed her from a failed business transaction. He alleged that military personnel picked him up at his home on July 11, and held and beat him for 12 days. He was never charged formally but was released on July 24, only to be detained and beaten again from July 28 to July 31. He claimed that the soldiers confiscated his car and approximately \$2,400 (16,320,000 cedis). Military authorities stated that the 64th Infantry Regiment, since it contains a detachment of police officers, has the authority to investigate civil cases and arrest suspects. They confirmed that the man was arrested and held, but denied that he was beaten or his property confiscated. The Government stated that it would investigate the case but had provided no additional information by year's end. This case and the August shooting by the 64th Infantry Regiment (see Section 1.a.) fueled growing concerns that unit personnel engage in extrajudicial activity and human rights abuses. On July 26, military authorities appealed to the public to desist from involving the military in solving personal disputes. At a subsequent

graduation ceremony for new soldiers, an army official warned the soldiers not to let themselves be hired to resolve personal disputes. On September 23, the IGP warned police personnel not to involve themselves in land disputes, debt collection, and other forms of unauthorized duties that have no valid relationship to their official duties.

On August 5, police used tear gas and rubber bullets to disperse students of Yendi Junior Secondary School (Northern Region) who attacked the local police station to demand the release of one of their teachers, who was arrested for assaulting the District Director of Education in a teacher demonstration against the director. The students threw stones at the police.

On December 4, police used rubber bullets and tear gas to disperse a crowd gathered at the Supreme Court to hear a ruling on the use of thumbprint voter identification cards in the presidential and parliamentary elections scheduled for December 7. One man was injured by a rubber bullet (see Section 2.b.).

On December 7, a soldier in the Ashanti Region capital of Kumasi roughed up a journalist who was trying to take videos of alleged electoral malpractice. The M.P. for the area was also injured with the butt of the soldier's rifle when he stated that he had been the one who brought the video photographer.

On December 11, journalists from a private television station were assaulted by men wearing security uniforms (see Section 2.a.).

Police set up illegal barriers to demand bribes from motorists (see Section 2.d.). In 1999 the IGP dismissed a constable who had been found extorting money randomly from drivers; however, police continue to demand bribes. There were credible reports that police abused their authority by arresting citizens in exchange for bribes from detainees' disgruntled business associates and demanding money before granting bail (see Section 1.d.). In March 1999, the IGP banned police from firing warning shots and also warned the police against demanding money from suspects as a precondition of their release on bail; however, police continue to demand money to release persons on bail. A survey released in 1999 showed that only 50 percent of the population trusted the police.

There were no reports of progress in the investigations into the February and April 1999 beatings of two Kumasi men by off-duty soldiers and "machomen."

In February 1999, five Achimota police officers were suspended after detaining a woman in a cell with her husband and 15 other males. A local human rights group was instrumental in spurring the police administration to investigate. In July 1999, after a human rights activist alerted the CHRAJ, news media reported the story of a woman who had become pregnant by a suspected criminal also in police custody while she was held in remand for 16 months on an attempted murder charge in Anloga in the Volta Region. In August 1999, the police administration suspended the district officer and launched an investigation into the breach of the policy that female suspects not be detained in cells with male counterparts. Details of the investigation reveal that the two suspects were never kept in the same cell but shared a common corridor.

There were no new developments in the May 1999 case of a man shot by customs officers in Dodo-Ammanfrom (Volta Region), or the June 1999 case of six persons wounded by soldiers at Nkunkum (Eastern Region).

An August 1999 case in which off-duty soldiers clashed with civilians in Oshiye resulting in several injuries was pending before the courts at year's end.

No action was taken against police who beat student demonstrators in August 1999.

In March the December 1999 case of nine persons wounded in a conflict between soldiers, policemen, and demonstrators in the Western Region town of Abontiakoon was forwarded to the Attorney General for advice. At year's end, the Circuit Court had adjourned the case and released the defendants on bail.

There were no reports of progress in the investigation into the December 1999 confrontation between police and youths in Zabzugu, in the Northern Region, which resulted in the wounding of two youths. A number of cases from 1998 remained open, although the implicated police officers were suspended in most instances. The officers involved in the October 7, 1998 beating of a farmer in Pramkese were suspended pending investigation. At year's end, the case was still under investigation. The police officers involved in the November 2, 1998 shooting of two girls in an arrest attempt near Accra were dismissed from the police force. Police stated that the officers were performing an unauthorized action (which would not obligate the police to compensate the girls' families). Of the remaining detainees in the November 24, 1998 killing of 2 police officers in Ablekuma, 9 of the accused were awaiting trial at year's end, 14 had their charges dismissed for lack of evidence, and 7 were still in remand at year's end. Of the 9 suspects standing trial, 1 was free on bail and 8 were still remanded in police custody at year's end. In March police were in-

structed to arrest 13 additional suspects in the case before a trial date could be set. In January a woman who was struck by a stray police bullet in December 1998 was refused a waiver of the hospital bill she incurred as a result of her injuries. The M.P. for her district appealed to the IGP for a reversal of the decision.

In 1999 there were isolated incidents in which Accra Metropolitan Assembly (AMA) operatives known as the Chameleon Bombers, allegedly inflicted injury and destroyed property; however, the degree of violence decreased following media attention, and there were no such reports during the year. The AMA officially dissolved the group in late 1998 following repeated public criticism, but continued to "decongest" vendors from the streets and destroy unauthorized structures. The Chameleon Bombers changed their name to the AMA Task Force during the year and participated in beautification projects around the city. In 1999 Kumasi, the country's second largest city, reportedly deployed a force called the Sanitation and Decongestion Tigers to remove unlicensed street vendors from city streets.

"Machomen" and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen are not legally constituted, but organized privately and operate outside the law. Unlike in 1999, there were no arrests of machomen during the year.

During the year, chieftancy disputes led to numerous injuries (see Section 5).

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In 1996 the CHRAJ published a report on prison conditions. It described prisons as unsanitary, overcrowded, and poorly ventilated. In October the commissioner of CHRAJ reported that conditions in prisons had not improved. Prisoners are malnourished. Reports of the daily food allowance per prisoner vary. In July 1999, the Minister of Interior informed Parliament that the country's prisons, with a total capacity of 5,000, housed some 9,783 inmates. The Minister also reported that there were about 90 mattresses and few beds for the approximately 700 prisoners at the Kumasi central prisons. Overcrowding contributes to a high prevalence of skin and other communicable diseases among prisoners. In April 1999, the prisoners' daily food allowance was raised from approximately \$0.28 (1,800 cedis) to about \$0.31 (2,000 cedis), bringing the total daily allowance to approximately \$0.50 (3,200 cedis), including housing, medical, and clothing costs; however, in practice this was a decline in real terms due to inflation and an unfavorable exchange rate. Families still supplement prisoners' food and bribe prison guards for visitation rights. Prisoners also suffer from lack of medicine unless paid for or provided by the inmates or their families, and many die of preventable diseases such as malaria because of a lack of medication. The report concluded that prison conditions were "a flagrant violation of the individual's fundamental human rights." While the Government concurred with the 1996 findings, it stated that lack of funding prevented further improvements. In April President Rawlings granted amnesty to some 1,000 prisoners based on recommendations of the Prisons Service Council. Many had served a third of their sentences, and none had been convicted for rape, robbery, or narcotics. However, a retired military officer from the PNDC era who had been sentenced to death after being convicted of killing an intruder on his farm also was released after serving 10 years in prison. The President also convened a medical board to consider early release for 156 seriously ill or aged prisoners. Juveniles were separated from the adult prison population more frequently; however, the commissioner of CHRAJ, in his October report, noted with concern the continuing sentencing and imprisonment of juveniles with adults. The Ghana Prisons Service Council has formed an assessment team to inspect facilities. In April the Minister of Interior stated that the prisons service would recruit 288 persons to increase staff at the prisons, and that work would begin during the year to upgrade prison and staff accommodations and construct 3 new prisons; however, no steps had been taken to implement these measures by year's end.

The Prison Service Council, established in 1998, visited Central and Volta Region prison facilities in early 1999. Following these inspections, the Council suggested that prison authorities adopt a more humane approach to dealing with prisoners. The Council identified the number of remand prisoners due to the courts' inability to hear cases promptly as the greatest problem facing the prison system. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells. The Council also criticized health hazards (including poor sanitation) and the state of prison structures. In a December 1999 speech at a prison officers' graduation ceremony, President Rawlings stated that the Government was considering the introduction of parole, suspended sentences, and community service as a way to alleviate the overcrowding in prisons; however, no steps were taken to implement these measures by year's end.

While the CHRAJ has access to the prisons, the Government resisted granting access to the press. Nongovernmental Organizations (NGO's) are not given access to prisons on a routine basis.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. However, in practice many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities do not routinely notify prisoners' families of their incarceration; such information is often obtained only by chance. Human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it is common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appears at a later date for court proceedings. In June 1999, the CHRAJ reported that there were a number of remand prisoners held for periods ranging from 1 week to 8 years. As of early July, about 20 percent, or approximately 2,000 of the 9,783 inmates nationwide, were remand prisoners. In October the acting Ashanti Regional Director of CHRAJ stated that over one third of the inmates of Kumasi Central Prison are remand prisoners. One-third remain in prison even after the warrants committing them to prison had expired. He criticized the judicial system for imposing prison sentences instead of levying fines, which could prevent further overcrowding of the prisons.

Despite the provisions of the law, abuses occur. At times persons are detained for trivial offenses or on unsubstantiated accusations.

On January 13, the editor of an independent newspaper, who is also the president of the West African Journalists' Association, was detained by military police acting on orders and taken to military headquarters overnight for questioning (see Section 2.a.).

On January 15, members of the presidential guard abducted, detained at the Castle, and allegedly beat a young man whose 2-year relationship with the president's oldest daughter had ended (see Section 1.c.).

In January police detained 70 persons during an investigation into violence related to a chieftancy dispute in Asankranguaa (see Section 1.c.).

In June three European politicians were detained by Bureau of National Investigations (BNI) officers, prevented from leaving the country, and held overnight at police headquarters on allegations of illegal transfer of funds and breach of security. The politicians were visiting the country on business and to consult with opposition party leaders, who alleged that the politicians' detention arose from their association with the opposition.

In August members of the 64th Infantry Regiment allegedly abducted and illegally detained a man on two separate occasions. After his former wife allegedly hired the soldiers to collect a debt, he was detained for more than 2 weeks. He claims that the soldiers confiscated his car and approximately \$2,400 (16,857,600 cedis). The military claims that the man was arrested and detained on charges of fraud, but not abused. The case is under investigation (see Section 1.c.).

In September military police, acting on the orders of the Deputy Minister of Defense, briefly detained the news editor of a newspaper in Accra (see Section 2.a.).

In November the BNI detained a television presenter and the editor-in-chief of a private newspaper (see Section 2.a.).

The Government has not implemented any meaningful policy to reduce the number of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. The Attorney General drafted a bill that would provide alternative dispute resolution methods to clear the court backlog, including a time limit on pending cases and is scheduled to forward it to the Cabinet in 2001. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. The 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional

rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. Similarly, in March 1999, the CHRAJ discovered that 10 Nigerians, 2 Lebanese, and 4 Ghanaians were detained at the Osu police station for periods ranging from 1 to 5 weeks. The suspects had been convicted of various offenses and were awaiting deportation. A farmer in the Volta Region has been in remand for 9 years. He is suspected of poisoning and killing another farmer but has yet to be formally charged.

In December 1999, the IGP warned policemen not to refuse to grant bail to suspects in order to settle personal scores and reminded police that the law is there to protect citizens and not to harass them.

In November 1999, after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom, police arrested over 700 men and brought them to Accra for investigation (see Section 2.c.). Over 650 of them then signed bonds to be on good behavior. Thirty others, including a chief, were detained. The case still was pending at year's end.

In July 14 suspects in the November 1998 murder of two policemen in Ablekuma were released for lack of evidence after having been held in custody without charge or bail since December 1998 (see Section 1.c.). Nine other suspects were charged formally following the Attorney General's completion of a bill of indictment. Their trial had not begun by year's end.

Lawyers for a former army sergeant accused of involvement in an alleged 1994 plot to overthrow the Government continued their appeal of an Accra High Court decision to retry the sergeant for treason. His original trial ended in 1996, but judgment was postponed because of the illness and subsequent death of one of the trial judges. The defendant has been in custody since 1994. Government efforts to persuade the court to impanel a new judge were unsuccessful by year's end (see Section 1.e.).

Rural women can be punished with banishment by traditional village authorities for being pregnant out-of-wedlock or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). The CHRAJ estimates that over 5,000 women are residents in witches' camps in the Northern Regions. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages (see Section 5).

In 1999 the Presbyterian Church sponsored a "go home" project to reintegrate into society women accused of witchcraft and forced to live at the Gambaga "witches" village. A total of 55 of 200 such women have reunited with their families. The project also provided for loans to enable the liberated women to become more financially independent and to contribute to the well being of their families.

The Government does not practice forced exile and encourages citizens, including dissidents living abroad, to return. Some former government and PNDC officials have returned and resumed careers and political activities.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary appears to be subject on occasion to executive influence. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court; confirmation is the responsibility of Parliament. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have called into question the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary is occasionally subject to executive influence.

This perception was furthered by the judiciary's crackdown on members of the privately owned press in 1998, when three journalists were jailed in separate instances for up to a month following contempt of court cases, and two other journalists had their passports seized under court order pending their criminal libel lawsuits. All the affected journalists were known to be avowed opponents of the Government and aggressive in their highly personal criticism of the President and his family. The journalists in the criminal libel cases still were awaiting sentencing at year's end. The journalists in the contempt of court cases served 1 month imprisonment in 1998 and were each fined approximately \$4,350 (10 million cedis) (see Section 2.a.).

In January the editor of an independent newspaper that published an article critical of President Rawlings was sentenced to one day in jail and a fine for an unrelated article (see Section 2.a.).

The trial of five defendants for allegedly plotting to overthrow the Government in 1994 concluded in 1999. A special court sentenced four of the defendants to death after finding them guilty and acquitted the fifth defendant for lack of evidence. Attorneys for the four condemned defendants appealed the judgment. Four of the de-

defendants and a former officer who allegedly was part of the plot remained in prison; and the Government did not impanel a tribunal to try the officer by year's end. The officer's attorneys plan to contest the case on the grounds that he was abducted illegally from Sierra Leone to stand trial.

On August 16, the parents of a man abducted by presidential guards who protested his abduction outside the Castle gates were convicted of offensive conduct and assault on a public officer. They were granted bail but held in remand between the verdict and their August 30 sentencing. The parents were required to provide a bond of good behavior for 12 months or, if they defaulted, would serve a 6 month sentence (see Section 1.c.).

The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of corruption on the part of judges; however, in September 1999, a privately owned paper published an alleged report by the Serious Fraud Office that found evidence of malpractice in the awarding of contracts by the judicial service. The Government had not responded to the report by year's end. In August 1998, the BNI reportedly questioned a judge, the chairman of an Accra regional tribunal, about allegations that he and his staff accepted a \$9,000 bribe to grant bail for a Nigerian woman arrested for drug smuggling. He has not been charged because the BNI has failed to find proof of the transaction; however, in August four judicial service employees were dismissed for complicity in the case. A 1997 survey revealed that 66 percent of citizens believe that money influences the judicial system.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or private companies can bring cases for mediation and settlement (see Section 4).

There are frequent reports that a large number of prisoners are held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). For example, a man was arrested in December 1995 on charges of robbing a taxi driver of \$30 (60,000 cedis) and the contents of the driver's wallet. The accused appeared at the Accra High Court 17 times, only to have the case adjourned each time without proceeding to trial. In November 1999, an appeal for bail was filed on the defendant's behalf on the grounds of unreasonable delay in going to trial. In June after 4<sup>o</sup> years in custody, the High Court judge granted bail to the defendant on the basis that he could not guarantee when the case would finally come to trial given the number of cases pending before the court. The Attorney General has drafted a bill that would provide alternative dispute resolution methods to reduce the court backlog, including a time limit on pending cases.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

The Chieftaincy Act of 1971 gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Constitution provides that a person shall be free from interference within the privacy of his home, property, correspondence, or communication; however, this provision has yet to be tested in court, and in practice the Government infringed on these rights at times. In April 1999, a combined municipal and military team without due process demolished a private hotel in Accra, which they claimed was blocking a drainage route. The owner of the hotel allegedly had fallen out with the ruling party prior to the demolition. Although the law requires judicial search warrants, police do not always obtain them in practice. On January 5, police forcibly entered the house of a freelance journalist and ransacked it (see Section 2.a.). Observers assumed that the Government continued surveillance of citizens engaged in activities that it deemed objectionable, including monitoring of telephones and mail. Several



opposition political activists reported being followed. Opposition parties, and some persons in private business, continued to allege that many government contracts are awarded on the basis of ruling party membership. There were credible reports that ruling party supporters who associated with opposition leaders also were subject to surveillance.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and in practice these provisions generally were respected; however, the Government continued to pressure the media. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. In February the Supreme Court ruled in a 4-year-old case that the President cannot appoint chief executives to the state-owned media. Nonetheless, the Government continued to pressure some journalists and media organizations, sometimes directly (e.g., through telephone calls), and by filing libel suits when it found coverage to be offensive. Consequently, some journalists exercised self-censorship. The criminal libel laws provide for 10 years' maximum imprisonment for reporting intended to injure the reputation of the State. At year's end, there were still over 100 libel suits before the courts, some of which had been in progress for over 2 years. Two of the pending suits were criminal libel suits filed by the Government, and the rest were filed by government officials in their personal capacities or by private individuals. In March a civil libel case brought by the First Lady in 1999 was resolved successfully out of court by the National Media Commission (NMC), and the NMC settled out of court two pending libel cases brought by private citizens during the year. In November 1999, the editor of the Free Press was sentenced to 90 days in prison and a fine of approximately \$460 (1.5 million cedis) in a criminal libel case involving allegations about the First Lady.

There are more than a dozen newspapers including three government-owned dailies, two government-owned weeklies, and several privately owned newspapers published weekly, biweekly, or triweekly. One of the government-owned dailies has national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in the capital. Some independent newspapers claimed that they were unable to obtain advertising revenues due to government pressure on businesses.

The government-owned media occasionally reported charges of corruption or mismanagement in government ministries and government-owned enterprises, but they rarely criticized the Government's policies or President Rawlings' activities. In the past, the Government occasionally disciplined or dismissed journalists working in government-subsidized media for articles deemed unacceptable. The Government ended subsidies to the state-owned publishing companies, and the newspapers are published by profitmaking printing companies, but these have not been privatized.

Some privately owned newspapers were harshly critical of the Government's policies and of President Rawlings, his wife, and his regime generally, and some reporters and editors were alleged, at times, to have failed to abide by professional ethical guidelines. Parties affected by such lapses—most often Government officials—showed a tendency to go to court. The Government, government officials, and private individuals filed numerous civil libel suits (over 100 before the courts), and one criminal libel suit remained in progress at year's end. The Government continued to prosecute two independent journalists charged in 1996 under a rarely used sedition law for allegedly libeling President Rawlings and his wife, and, through them, the State. The trials, repeatedly postponed, were seen by many observers as a sign of press harassment. For example, in July 1998, after being found in contempt of court, two newspaper editors were sentenced to 1 month's imprisonment and each publisher was fined approximately \$4,350 (10 million cedis) (see Section 1.e.). According to the Minister of Communications, the criminal libel law and other such laws simply check the excesses of journalists. The NMC is researching comparative freedom of information (FOI) legislation with the intent to propose draft FOI legislation for the Government's consideration. This draft legislation had not been presented to the Government by year's end.

On January 5, police forcibly entered the house of a freelance journalist to arrest him for involvement with an allegedly seditious article about President Rawlings. The police ransacked his house and removed some documents. On January 31, the editor of the independent newspaper that printed the article was sentenced to one day in jail and a \$200 (1 million cedis) fine for publishing an unrelated story about a commercial case pending before the courts. The judge stated that the article "made comments and formed opinion" on the case, which could prejudice the decision in court (see Section 1.e.).

On January 13, the editor of an independent newspaper and president of the West African Journalists' Association was detained by military police acting on orders and taken to military headquarters overnight for questioning. The editor had printed a story regarding the refusal by soldiers to take part in a December 1999 route march; the military claimed that the article was "calculated to create disaffection and acrimony" among soldiers in the wake of the coup in Cote D'Ivoire. After public criticism by journalists and private citizens, the editor was released the next morning. Opposition parties, trade unions, journalists' associations, and foreign diplomats criticized the detention. The ruling party and the military justified the detention on the grounds that the journalist had endangered the country's peace and stability and stated that the military therefore had the right to intervene.

On September 19, military police acting under orders from the Deputy Minister of Defense detained the news editor of an Accra newspaper. Earlier that day the editor had attempted to contact the Deputy Minister after receiving an allegation that he had threatened a guard at a local security company. The editor was released later that day.

On November 7, BNI officials arrested and detained for questioning 2 journalists. One of the journalists, a presenter for a government-owned television station, was arrested on the charge of insulting behavior after he criticized, during a public broadcast, the President's behavior at a political rally. He was released that evening on bail of \$7,350 (50 million cedis). Charges were never pressed. The second journalist, the editor-in-chief of a private newspaper, was held for nearly 12 hours for questioning on a charge of "dishonestly receiving" information. He allegedly had received computer diskettes, apparently stolen from NDC headquarters, which contained information on alleged plans for election fraud on the part of the NDC. The editor was released on bail \$735 (5 million cedis). On December 21, he was charged with the equivalent of possession of stolen goods and ordered to report to BNI three times a week until the case is concluded. The Ghana Journalists Association and the Private Newspaper Publishers Association condemned the arrests and criticized the BNI's role in the incident, which they stated circumvented due process. On November 10, 2 computer technicians were arrested, charged with giving the journalist the diskettes, and remanded into BNI custody. On the same day, the Minister of Communications accused the journalists of misleading the public and defended the role of the BNI by noting that it may legitimately assist police in investigations as necessary.

On December 11, men wearing security uniforms assaulted journalists from a private television station who were covering a press conference at NDC headquarters in Accra. The journalists allege that the officers who assaulted them were not members of the security service, but rather "machomen" disguised in uniform. The Ghana Journalists' Association, the National Union of Ghana Students, and the New Patriotic Party condemned the assault. Police investigations were ongoing at year's end.

According to the National Communications Authority, Accra has 1 government-owned and 12 private FM radio stations, and there are about 40 private FM stations across the country. Most stations are independent and air a wide range of viewpoints. There are several private metropolitan television stations that broadcast in Accra and in Kumasi. One semi-private Accra station began broadcasting in Kumasi in November. There is one government-owned television station that broadcasts nationwide. There are also three private cable networks that serve Accra, Kumasi, and Takoradi.

The Government has yet to initiate a formal investigation into the substance of a tape publicized in October 1999 that appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era. Neither did the Government pursue prosecution of the journalists and publisher involved in the broadcasting of the tapes.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International have full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), have part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, the VOA, and the BBC radio service. Several companies have cable or satellite rebroadcasting stations that serve the country's three major cities.

In the period prior to the December presidential and parliamentary elections, the government-owned television and radio stations allotted the equal broadcasting time to each of the parties fielding presidential candidates, although news coverage of government activities such as the commissioning of projects favored the ruling

party. During the December presidential and parliamentary elections, FM radio stations acted as watchdogs, and called attention to irregularities in the voting process.

There are currently three Internet Service providers (ISP's) in the country. In July the National Communications Authority closed three other ISP's on the grounds that they were providing Internet telephone services, which violated a 5-year exclusivity agreement that the Government had given to two telephone companies. The companies replied that they were unable to monitor telephone use of their ISP and should not be held responsible for such use. The Government maintained that such use could be monitored. One company had its equipment confiscated without due process, and the owner was held in jail overnight but not charged (see Section 1.d.). That company stated that it would bring the matter to court; however, in November the Government restored the company's equipment, and it resumed operations.

There was no restriction of academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. However, in late 1997, following a serious student brawl, the public university in Accra imposed a ban on campus demonstrations, which remained in effect at year's end. In January and June, police dispersed student demonstrations in Kumasi and caused some minor injuries (see Sections 1.c. and 2.b.). In August 1999 students demonstrated against increased university fees, and police forcibly broke up the demonstration (see Sections 1.c. and 2.b.).

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice; however, at times it restricted this right. The Government does not require permits for demonstrations. Parliament passed a public order law in late 1994 requiring that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. In November 1999, a presidential aide called street demonstrations by registered political parties "a provocative attempt to destroy the democratic order" and "a declaration of war on the national democratic order and an act totally against the national interest." Other government and ruling party officials echoed this view, as did other organized bodies who were widely believed to have done so at the Government's behest.

On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit, although there is no legal requirement for a permit (see Section 6.a.).

On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage. Police allowed the demonstrations to take place; however, they used water cannons on the Accra demonstrators to prevent them from blocking traffic at a major traffic circle. No injuries were reported in Accra or elsewhere (see Section 6.a.).

In July the radio personality who was pressured not to hold a "million man march" in October 1999 held a poorly attended march on the same theme without any government interference.

In December police used rubber bullets and tear gas to disperse a crowd gathered at the Supreme Court to hear a ruling on the use of thumbprint voter identification cards in the presidential and parliamentary elections scheduled for December 7. One man was injured by a rubber bullet (see Section 1.c.).

The 1997 ban on campus demonstrations remained in effect, but generally was not enforced, at the public university in Accra; however, in January and again in June, police dispersed student demonstrations in Kumasi and caused some minor injuries (see Sections 1.c. and 2.a.). The students were demonstrating to demand disbursement of their student loans. Police reportedly beat the students who allegedly were throwing stones at the police, and some students were injured from police use of water cannons. In the June demonstration, 35 students were detained, but the police dropped the charges after the students apologized for their actions.

Political parties generally held rallies and national congresses without hindrance during the year; however, in February the police prevented the National Reform Party (NRP) from holding a rally in the Labadi district of Accra, although the NRP had given the police the required advance notice of the event. Allegedly the police stopped the rally to prevent potential conflict because the NDC had planned a rally for the same day. The NRP held its rally at a later date.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office and the Department of Social Welfare, but this registration is routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party. In July 1999, the EC certified a breakaway faction of the ruling party as a political party in its own right.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, on at least one occasion local government officials restricted this right. The Government does not always prosecute those responsible for religiously motivated attacks. For example, none of those who attacked churches during the 1999 annual ban on drumming (see Section 5) were arrested or charged with an offense. Police authorities said that pursuing the cases only would exacerbate tensions. No suspects were charged in the attacks on a Christian charismatic church in December 1996 and March 1998.

Religious institutions that wish formal recognition are required to register with the Registrar General's Department. This is a formality only. Most traditional religions, with the exception of the Afrikania Mission, do not register. Formally recognized religions receive some tax relief. However, beyond a certain point the institutions are required to pay tax.

There is no state-favored religion and no apparent advantage or disadvantage attached to membership in any particular sect or religion. Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

The Government requires that all students in public schools up to the equivalent of senior secondary school level attend a daily "assembly" or devotional service; however, in practice this regulation is not always enforced. This is a Christian service and includes the recital of The Lord's Prayer, a Bible reading, and a blessing. Students at the senior secondary school level are required to attend a similar assembly three times per week. Students attending boarding school are required to attend a nondenominational service on Sundays.

On February 20, the Ho (Volta Region) District Chief Executive (DCE) led a joint operation with police and health personnel to immunize the children at an Apostolic Faith of Kpalexose ("Wellrooted Faith" in the Ewe language) church against poliomyelitis. Church members consistently have refused immunizations on the grounds that their faith forbids the use of orthodox medicine. Police surrounded the church during worship services, and health personnel administered the vaccine. It was reported that 155 children up to age 5 received the vaccine. Community response supported the overriding of individual religious convictions as being in the greater national interest of eradicating polio. However, a prominent human rights NGO criticized the forced immunizations because it was not applied consistently. Other guardians who had refused to immunize their children were not compelled to do so, and only approximately half of the children countrywide were immunized. The NGO argued that the Government should enact legislation compelling all children to be immunized before it could legitimately force guardians to immunize their own children. On October 15, members of the Baptist church in the James Town area of Accra tried to prevent health workers from immunizing children against polio because they claimed that their faith forbade members' accepting medical treatment. Although the church members later apologized, the children were not immunized.

The Catholic Church in the Archdiocese of Accra officially suspended a priest in April for conducting unorthodox "healing" services. When he was conducting one of these services, the gates to the Cathedral were locked, and police personnel prevented worshippers from entering the church premises.

Although the Constitution prohibits slavery, religious servitude—Trokosi—exists on a limited scale. In June 1998, Parliament passed and the President signed legislation to ban the practice of Trokosi in comprehensive legislation to protect women and children's rights. Human rights activists believe that the goal of eradicating the Trokosi practice is attainable with the new law; however, the practice persists (see Section 5).

The Government took some steps to promote interfaith understanding. At government meetings or receptions usually there are multid denominational invocations. The Greater Accra Regional Coordinating Council conducted a workshop on managing religious conflicts in April, several weeks before the annual ban on drumming in the ethnic Ga traditional area (May 8 to June 8), which resulted in a workable compromise between religious and traditional leaders. This compromise helped avoid a repeat of the violence between traditionalists and Christians that occurred in 1999. However, on August 20, after the ban had been lifted, youth in Teshie besieged the

Open Heaven Mission International Church, seizing drums and injuring six worshippers (see Section 5).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights as an aspect of the provision for personal liberty, and the Government generally respects these provisions in practice.

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. There were numerous reports that police used checkpoints to solicit bribes. Citizen complaints about police harassment caused the Government to reduce the number of checkpoints from 125 to 38 in 1997 and to 31 by the end of 1998. Police roadblocks and car searches are a normal part of nighttime travel in larger cities. In February and August 1999, taxi drivers struck in Koforidua to protest extortion by motor transport and traffic unit police, and in June in Accra, police established additional roadblocks in an effort to combat a series of local murders of women (see Sections 1.a. and 5). The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. In November and December, soldiers mounted checkpoints around the Brong Ahafo regional capital of Sunyani and outside the Ashanti regional capital of Kumasi prior to national elections. Both towns were opposition strongholds. The Government stated that it was responding to reports of arms movements before the elections; however, many observers viewed these checkpoints as an attempt to intimidate voters or to discourage them from travelling to vote where they were registered. Citizens generally are free to travel internationally and to emigrate or to be repatriated from other countries.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has a liberal policy of accepting refugees from other West African nations. The Government provides first asylum. The country continued to provide first asylum to approximately 9,454 Liberians, 1,058 Togolese and 2,103 Sierra Leoneans. It also provided first asylum to citizens of: Rwanda (30); Sudan (21); Ethiopia (6); Libya (6); Burundi (7); Congo Brazzaville (5); Cameroon (6); Burkina Faso (1); Somalia (1); Uganda (1); Nigeria (6); Bosnia (1); Angola (1); Chad (1); and the Democratic Republic of the Congo (12).

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential and parliamentary elections held in December, which despite a few incidents of intimidation and election fraud, domestic and international observers judged to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament and won a majority of the parliamentary seats in the December election.

In November and December soldiers mounted roadblocks outside opposition strongholds, in what many observers interpreted as attempts to intimidate voters (see Section 2.d.).

In the first round of the presidential elections, John Agyekum Kufuor of the NPP garnered 48.2 percent of the votes, followed by Vice President John Evans Atta Mills with 44.5 percent. On December 28, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff Kufuor beat Mills with 56.7 percent of the vote. The new administration is scheduled to take office on January 7, 2001. The NPP won 100 seats and gained control of the 200-member Parliament, while the NDC took 92 seats. Other parties and independents won the remaining eight seats.

During the year, opposition members expressed frustration about impediments that the executive branch imposed by its refusal to support opposition amendments to proposed legislation. Parliament still is working to develop effective oversight of the workings of the executive branch. Although all M.P.'s can introduce bills, no one has ever done so; however, some have introduced motions.

In 1998 citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. Of the 16,000 units, elections still must be held in the 3,724 units that failed to produce a quorum of candidates in 1998. These elections were held on a nonpartisan

basis, as called for in the 1992 Constitution. However, opposition groups contend that the local government system is stacked in favor of the ruling party, which appoints approximately one-third of the district assembly and unit committee members, as well as the DCE's. DCE's must be confirmed by two-thirds of the district assembly members. In May 1999, police and military forces were highly visible in Kintampo in the Brong Ahafo Region the day the district assembly was to vote on a controversial nominee for the DCE. The presence of security forces may have influenced some district assembly members to vote in favor of the ruling party's nominee, despite an earlier petition by the chiefs and residents of Kintampo against the nomination.

There are no legal obstacles to the participation of women in government; however, they are underrepresented in government and politics. There were 19 female parliamentarians with 17 female M.P.'s elected to the new Parliament. Several ministers and Council of State members are women. In August a group of female parliamentarians and women's rights activists petitioned the Electoral Commission (EC) to waive registration fees for female candidates to encourage more women to run for office. The EC refused on the grounds that this would make competition for parliamentary seats unfair.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

NGO's interested in human rights continued to grow in number and effectiveness, and there were 20 NGO's in the field at the end of the year. These NGO's operated without government interference (see Section 2.b.). The Government appears to cooperate with and to be responsive to human rights NGO's, with the exception of granting ready access to prisons (see Section 1.c.). Prominent NGO's include the Red Cross, Amnesty International (AI), the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross (ICRC).

The CHRAJ, established by Parliament in 1993, is charged with investigating alleged violations of human rights and taking action to remedy proven violations. The CHRAJ continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies. Parliament established the CHRAJ in 1993. By 1998 the CHRAJ had received a total of 23,744 petitions in its offices around the country and completed action on over 16,638 cases, (70.1 percent). Forty percent of the cases were resolved through mediation. On average the CHRAJ receives between 4,000 and 5,000 new petitions per year, with steady increases each year. The majority of the complaints lodged with the Commission were from those who believed that they suffered injustice as a result of public or private employers' abuse of power, unfairness, and high handedness.

In October 1996, the CHRAJ concluded a lengthy corruption probe of senior government officials. This probe launched an aggressive government rebuttal, which resulted in a 1998 Supreme Court decision that the CHRAJ could investigate matters predating the effective date of the 1992 Constitution. However, the Supreme Court ruled that the Commission did not have jurisdiction to investigate property confiscated by the special courts or tribunals during the rule of the Armed Forces Revolutionary Council (AFRC), the military group that staged President Rawlings' first coup, and during the PNDC period.

The CHRAJ continues to investigate corruption allegations filed against public officials. In 1997 it issued a report on its investigations at the "witches camps" on the Northern Region. The Commission also has provided periodic updates to various sections of its report on prison conditions.

The Commission operates with no overt interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJ trained personnel to other government agencies that are able to pay their employees more. In late 1998, the Commission submitted a petition on this matter to the Government and had not received a response by year's end.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

*Women.*—Violence against women, including rape and domestic violence, remains a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women have been assaulted in recent years. A total of 95 percent of the victims of domestic violence are women, according to data gathered by the FIDA. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, 1998 legislation doubled the mandatory sentence for rape. The media increasingly report cases of assault and rape. In late 1998, the police administration established a “women and juvenile unit” to handle cases involving domestic violence, child abuse, and juvenile offenses. Located in Accra and Kumasi, the unit works closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. During the year, the Accra Branch of this unit recorded over 530 cases, including 181 defilement cases, 35 rapes, 6 cases of incest, 17 indecent assaults, 86 instances of assault and wife battery, 6 abductions, and 200 neglect cases.

In May FIDA held a seminar to coordinate government and NGO support of the country’s first domestic violence bill. FIDA presented the draft bill to the Director of Legislative Drafting of the Parliament, who is responsible for converting proposed bills into proper legislative format for eventual consideration by Parliament. The bill was not taken up by Parliament by year’s end.

In late 1998, a series of “mysterious” murders of women began to occur in the Mateheko area of Accra. Three of the 20 murders reportedly involved husbands’ suspicion of their wives’ infidelity. The men subsequently were arrested, but they were not convicted. There have been more than 30 murders in the past 2 years, and they are referred to as “serial murders.” Police have had no success in solving any of the murders and have instituted evening roadblocks throughout Accra in an attempt to catch the murderers. In March the Ministry of Interior offered a \$10,000 reward to any member of the public who provided information leading to the arrest of any of the murderers. In July a group of seven organizations, including FIDA, AI, The Ghana Employers Association, and The Association of Business and Professional Women, issued a joint statement reflecting their disappointment at the police’s lack of success, and encouraging the Government to seek international help to solve the murders. On December 22, this group, known as Sisters Keepers, marched peacefully to the Castle and submitted a petition to the President calling for the Minister of Interior and the IGP to resign because of their failure to solve the murders.

On 3 occasions in 1999 and during the year, women in Accra demonstrated in a concerted effort to attract attention to violence against women.

In 1998 Parliament passed legislation that amended the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of “customary servitude” (known as *Trokosi*), protect women accused of witchcraft, double the mandatory sentence for rape, raise the age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children. There are no laws that specifically protect women from sexual harassment.

In January 1999, the CHRAJ announced its decision in the country’s first sexual harassment case, involving a flight attendant for a private airline and her immediate supervisor. The CHRAJ determined that the 22-year-old attendant was terminated for her refusal to submit to her supervisor’s sexual advances over a 10-month period. The CHRAJ awarded her compensation for legal costs. However, the company’s chief executive did not comply with the terms of the decision, and in December 1999, the CHRAJ went back to court to seek enforcement of the judgment. The case was not settled by year’s end, principally because the airline had gone out of business.

Rural women can be punished with banishment by traditional village authorities for pregnancy outside of wedlock or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities, such as a shaman. In 1998 a total of 815 persons (802 women and 13 men, from 35 to 90 years old) were found to be living in witches’ villages in four districts in the Northern Region. The CHRAJ estimates that as many as 5,000 women are inhabitants of camps throughout northern Ghana. In some cases, the women were sentenced by village authorities who claimed to have the power to determine who were witches. In other cases, relatives, or the women themselves, came to the village believing that they were witches, and asking to be protected and/or cured of the affliction. Human rights NGO’s estimate that the number of occupants of the witches’ camp is growing. NGO’s also have found that at the Gambaga witches camp, 99 percent of those there are illiterate. Although the women face no formal legal sanction if they leave, most fear that they would be

beaten to death or lynched if caught outside the penal villages (see Section 1.a.). Forced labor also occurs at the camps for women accused of witchcraft. Legislation passed in 1998 provides some additional protection to women banned from their communities for alleged witchcraft. The CHRAJ and human rights NGO's have mounted a campaign to end this traditional practice, which violates the victims' constitutional rights, but little concrete action has been taken. The challenge lies not only in persuading custodians of the witches' homes to abolish the practice, but also in educating the community so the women will be allowed to return safely to their homes. In 1998 FIDA had persuaded custodians to abolish the Gambaga witches home in the Northern Region, contingent on the performance of "exorcism" rites and payment of accommodation and discharge fees. However, a few months later, there was an increase in the number of alleged witches banished to the home, largely due to the communities' belief that these women were responsible for an outbreak of cerebrospinal meningitis which claimed many lives in the region.

Women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women entering nontraditional fields persists. Only about one quarter of university students are women, although women's enrollment is increasing. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups are active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government also is active in educational programs, and President Rawlings and his wife were among the most outspoken advocates of women's rights. In August the Government established a women's desk responsible for addressing the gender imbalance in the civil service.

**Children.**—Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. Education is neither free nor compulsory, and costs associated with schooling, such as uniforms and school supplies, preclude some children from attending school. While the Government states that basic education is free, in practice schools impose fees of up to \$50 (335,000 cedis) per term, and students also must purchase uniforms and books. In addition teachers often withhold material during their regular lessons and ask students to pay additional fees for after-hours 'tutoring' in those subjects as a way to supplement their incomes. Some children are unable to attend school because they must work to supplement their family's income (see Section 6.d.); they must travel long distances to reach the school; or there is a lack of teachers, especially in more rural areas. The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that are not regulated by the Government and provide nontraditional education), and increased emphasis on making sure students progress from one school grade to another. The dropout rate is decreasing, from 9.1 percent nationwide in 1998 to 8 percent in 1999; however, the school enrollment rate has also dropped slightly from 2.58 million in 1997 to 2.56 million in 1999. Overall enrollment probably is even lower, taking into account the country's almost 2.4 percent annual population growth.

There is little or no discrimination against female children in education, but girls and women frequently drop out of school due to societal or economic pressures. The Government actively campaigns for girls' education and in 1997 established a girls' education unit within the basic education division of the Ghana Educational Service. Although the percentages of girls enrolled in school increased from 1996, participation is still low. In September 1999, the Government estimated that girls' enrollment in primary school had increased from 75 percent in 1992 to 81 percent in 1997. Enrollment of women at the university level has increased by 5 percent from 1993 to 1998.

A 1997 country report by the Ghana National Commission on Children further substantiated the gap between enrollment of boys and girls, particularly at the high school level. In the 8 districts examined, there were 22,418 boys and 14,318 girls enrolled at the high school level. In the report, officials attribute the lower female enrollment to the fact that many girls marry early or become pregnant. In the 1998-99 academic year, the University of Ghana enrolled 852 women and 2,226 men. In May the First Lady launched an initiative to establish the country's first women's university.

The Ghana National Commission on Children (GNCC) is a policymaking and coordinating body established to improve the lives of children. The GNCC has provided the Women and Juvenile Unit of the police force with office equipment. The GNCC also has administered training programs for law enforcement and judicial of-



ficials around the country to familiarize them with the Children's Act and other pertinent child labor legislation.

The governments of Ghana and Canada hosted a conference on children affected by war in West Africa on April 27-28. The resulting plan of action focused on ways that Economic Community of West African States could integrate child protection into ECOWAS peacemaking and peacekeeping initiatives.

There are several traditional discriminatory practices that are injurious to the health and development of young females. In particular, female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. A 1998 study estimated that 9 to 12 percent of women have been mutilated, but some estimates are as high as 30 percent. A Ministry of Health survey conducted between 1995 and 1998 found that FGM is practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. A 1998 study reported that 51 percent of all women who had undergone FGM were excised before age 1, and 85 percent of total excisions were performed on girls under the age of 15. A 1999 survey indicated that more than 50 percent of the women who were mutilated indicated that they disapproved of the practice. Officials at all levels have spoken out against the practice, and local NGO's are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. There were no reports of arrests in the year. There have been seven arrests for the practice of FGM since the 1994 law made FGM a crime. Of those arrested, two offenders have been prosecuted and convicted. In some cases in which FGM is performed, the victims actively seek out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

Members of the legal community advocate legislation to close loopholes in the FGM law, including extending culpability to family members and others who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. Any person who conceals information about an instance of FGM would be liable. In addition, FGM would be banned no matter how medically safe the procedure is made—dispelling a belief by some that FGM is acceptable as long as the girls' health is protected. Traditional chiefs became more outspoken in their opposition to the practice of FGM.

Although the Constitution prohibits slavery, it exists on a limited scale. Trokosi, a traditional practice found among the Ewe ethnic group and in part of the Volta Region, is an especially severe human rights abuse and an extremely serious violation of children's and women's rights. It is a system in which a young girl, sometimes under the age of 10, is made a slave to a fetish shrine for offenses allegedly committed by a member of the girl's family. In rare instances, boys are offered. The belief is that, if someone in that family has committed a crime, such as stealing, members of the family may begin to die in large numbers unless a young girl is given to the local fetish shrine to atone for the offense. The girl becomes the property of the fetish priest, must work on the priest's farm, and perform other labors for him. Because they are the sexual property of the priests, most Trokosi slaves have children by the priests. Although the girls' families must provide for their needs such as food, most are unable to do so. There are at least 2,200 girls and women bound to various shrines in the Trokosi system, a figure that does not include the slaves' children. Even when freed by her fetish priest from the more onerous aspects of her bondage, whether voluntarily or as a result of intervention by activists, a Trokosi woman generally has few marketable skills and little hope of marriage and typically remains bound to the shrine for life by psychological and social pressure arising from a traditional belief that misfortune may befall a Trokosi woman's family or village if she abandons her obligations to the shrine. When a fetish slave dies, her family is expected to replace her with another young girl, thus perpetuating the bondage to the fetish shrine from generation to generation.

In 1998 Parliament passed legislation that banned the practice of Trokosi in comprehensive legislation to protect women and children's rights. Human rights activists believe that the goal of eradicating the Trokosi practice is achievable with the new law. NGO's, such as International Needs, and government agencies, like the CHRAJ, have been campaigning against Trokosi for several years and are familiar with the locations of the fetish shrines and the numbers of women and children enslaved. Activists know the community leaders and fetish priests and, thus, know with whom to negotiate. The CHRAJ and International Needs have had some success in approaching village authorities and fetish priests at over 316 of the major and minor shrines, winning the release of 2,800 Trokosi slaves to date and retraining them for new professions. The organizations continue to work for additional releases. The Government has not prosecuted any practitioners of Trokosi, and in August 1999, a presidential aide criticized anti-Trokosi activists for being insensitive

to indigenous cultural and "religious" beliefs and practices. A local group, calling itself the "Troxovi Institutional Council" (Troxovi is alternate spelling for Trokosi), declared that Trokosi, as defined by CHRAJ and other human rights groups to be a form of ritual servitude, does not exist in the country. The group claimed that the practice of 'Troxovi' does exist but neither enslaves nor exploits anyone. The Council also listed 23 'genuine Troxovi shrines' in Ghana, describing them as educational institutions and as part of the "Afrikania religion." These claims were widely refuted by chiefs, the press, and NGO's.

There were reports that trafficking in children occurred, including children being sold into slavery either for forced labor or sexual exploitation (see Sections 6.c. and 6.f.). Child labor is also a problem (see Section 6.d.).

Another traditional practice that violates the rights of children is forced childhood marriage, which became illegal under the Children's Act. In February the Agona Swedru Circuit Court in the Central Region sentenced a man to 15 years' imprisonment and hard labor for defiling a 7-year-old girl. In May a teacher in Kyermasu in the Brong Ahafo Region was sentenced to 18 years' imprisonment and hard labor for defiling and impregnating a 15-year-old girl.

In October the GNCC stated that it was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her. FIDA supported the efforts and emphasized that the marriage violated the Children's Act, which sets the marriageable age at 18, as well as the Criminal Code, which prohibits sex with a child under 16 years of age.

Child prostitution, although illegal, also exists. In March the Eastern regional branch of the Ghana Hairdressers and Beauticians Association announced that it would offer free apprenticeships to 150 street girls in the Eastern Region to equip them with marketable skills.

*People with Disabilities.*—The Constitution specifically provides for the rights of the disabled, including protection against exploitation and discrimination. In practice the disabled are not discriminated against in any systematic or overt manner. The Constitution also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." However, in practice this provision has yet to be implemented. In late August, Government officials stated that companies should take the needs of disabled persons into account when building and designing buildings and reminded the public that the disabled have rights that should be protected.

*Religious Minorities.*—There was tension between ethnic Ga traditionalists and members of some Christian charismatic churches over the annual ban by Ga traditional leaders on drumming and noise-making prior to the Ga Homowo (harvest) festival; however, the level of such tension decreased compared with the previous year. Traditionalists believed that their time-honored customs should be accorded due respect, while some Christians resented the imposition of bans, which they believed infringed on their right to worship. The Government advocated mutual coexistence and understanding and alerted the population that police resources were insufficient to protect all churches during the several-week ban on drumming. There were attacks on churches in 1999 and in 1998. There were no reports of similar attacks during the year. No police action was taken in regard to attacks from previous years. Police are reluctant to prosecute any members of these groups due to an apparent fear of retaliation or counterattack.

On January 25, members of the Christo Asafo Christian Church clashed with members of the Boade Baaka traditional shrine at Taifa, Greater Accra Region. The dispute arose days earlier after shrine members accused a Christian woman of witchcraft. In the process, the woman was injured slightly, and a crowd formed. Christo Asafo members attacked the shrine in retaliation. There were some minor injuries. Police did not arrest or prosecute any of the participants, but continue to investigate the incident.

In March a dispute between five Pentecostal churches and landowners (tendaabas) led to tension in Jirapa, Upper West Region. After a member of the Kingdom of God ministries allegedly burned down a local shrine, the tendaabas banned religious activities of all churches except the Roman Catholic Church, until May when the Regional Coordinating Council brokered a resolution.

On July 21, three Muslims were injured at Effiduase (Eastern Region) in a clash between two Muslim sects over doctrinal differences. Members of the Tijanniya school of Islam allegedly attacked members of the Al-Sunna school.

On August 20, after the ban on drumming had been lifted, youth in Teshie (Greater Accra Region) besieged the Open Heaven Mission International Church, seizing drums and injuring six worshipers (see Section 2.c.).

There was a development in the case of the November 1999 dispute between an Islamic middle school and a Methodist middle school in Agona Nyakrom in the Central Region, where five persons suffered gunshot wounds, and Muslim property was destroyed. All of those arrested were released, and the police have not charged any suspects. In June the Committee of Inquiry set up by the Central Regional Coordinating Council presented its report to the Central Regional Minister. Details of the report were not published; however, the Committee recommended ways to ensure lasting peace between the two communities, and the Regional Minister agreed to implement the recommendations.

*National/Racial/Ethnic Minorities.*—Although the Government plays down the importance of ethnic differences, its opponents occasionally complain that it is dominated by the Ewe ethnic group from the eastern part of the country. The President and some of his close advisers are Ewe, but most ministers are of other ethnic origins. A 1997 survey found that 25 percent of the respondents believed that they had experienced discrimination because of their tribal origins.

During the year, there were several violent confrontations between and within ethnic groups related to chieftaincy issues, particularly those of succession and land. In January 1999, a chieftaincy dispute in Juaso in the Ashanti Region resulted in the death of a policeman, several injuries, the burning of the police station, and the arrest of over 60 persons. The chief and his supporters were brought before the Kumasi tribunal and later granted bail. The case was ongoing at year's end. The police also are investigating some Juaso residents' claim of police mistreatment during the same event (see Section 1.a.). In July the Tamong and Puli clans in Bimbagu (West Mamprusi District in the Northern Region) clashed in a chieftaincy dispute. Two persons were killed, and 56 houses were burned (see Section 1.a.). The police were sent to Bimbagu to maintain order during the clash. The police still were investigating the incident at year's end.

On August 13, four persons were killed after a conflict over a chieftaincy dispute in Weija (Greater Accra Region.)

On December 7, 13 persons reportedly died, and over 25 were wounded in the Upper East Region capital Bawku in an election-related dispute that had ethnic overtones. The conflict initially was a dispute between ruling party and opposition supporters, and was fueled by ongoing tensions between the Mamprusi and Kusasi ethnic groups.

Elders from the Guan and Akan ethnic groups, who were arrested and detained in 1999 for violence related to a chieftaincy dispute, were awaiting prosecution at year's end. A 1999 chieftaincy dispute in Teshie that resulted in numerous gunshot wounds, a stabbing, and destruction of property was pending before the Ga traditional council at year's end.

An August 1999 case in which off-duty soldiers clashed with civilians in the Oshiye area of Accra in a chieftaincy dispute, resulting in several injuries, was pending before the courts at year's end.

In 1995 the Government created a permanent negotiating team made up of religious leaders, NGO representatives, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes. In 1997 in response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta Region and supervised a peace accord among all parties to the conflict there. Since 1997 there have been organized seminars and workshops designed to promote dialog between two feuding factions. The Government has a ban on firearms in the Northern Region and northern part of the Volta Region. Government officials, M.P.'s, and other prominent opinion leaders regularly call for peaceful coexistence. In February 1999, after 14 years of animosity, the Bimobas and the Konkombas of the East Mamprusi District of the Northern Region held a pacification and reconciliation ceremony. In August 1999, the Northern Region Youth and Development Association, an umbrella group of all the ethnic groups in the area, organized a workshop on building peace at the grassroots level.

In January 1999, the Nipa-O-Nipa and Sika-O-Sika factions of Kumasi's ethnic Moshie community signed a peace agreement at the behest of the then Regional Minister. However, the longstanding dispute resurfaced in December 1999, after the Supreme Court had ruled on the Moshie leadership issue. One man died from a stab wound, and another was injured. In January a member of the Nipa-O-Nipa faction was sentenced to a week in prison for wounding a student during the December 1999 leadership dispute. In June three members of the Sika-O-Sika faction were sentenced to death by hanging for the murder of the son of the leader of the Nipa-O-Nipa faction. The lawyers for the three Sika-O-Sika faction members filed an appeal, which was pending at year's end. The dispute was resolved May after the

Ashanti paramount chief gave formal recognition to the Sika-O-Sika faction's leadership claim.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association. This right is restricted formally, as the Trades Union Ordinance confers broad powers on the Government to refuse to register a trade union; however, the Government has not interfered with the right of workers to associate in labor unions and has encouraged pluralism in labor organizations. The Industrial Relations Act (IRA), initially enacted in 1958 and amended in 1965 and 1972, governs trade unions and their activities. The percentage of workers belonging to unions appears to be decreasing from 9 percent in 1998 as more of the workforce enters the informal sector where there is no union activity. The Ministry of Employment and Social Welfare has estimated that 86 percent of the work force is employed in the informal sector, and that number is expected to increase. In August 1999, the Ghana Federation of Labor (GFL) was inaugurated. The GFL is intended to serve as an umbrella organization for several other labor unions, which were either previously part of or not encompassed by the Trades Union Congress (TUC), the original federation. The TUC, the largest labor organization in the country, consists of 17 national unions.

Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies when it felt it to be necessary. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. A union may call a legal strike if the Government does not call for formal arbitration. However, no union has ever gone through the complete process. There were numerous unsanctioned strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law is enforced. On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit. Instead they presented a petition to the Government on the issue (see Section 2.b.). On July 25, thousands of trade union members demonstrated nationwide to demand an increase in the minimum wage. Police used water cannons on the Accra demonstrators to prevent them from blocking traffic at a major traffic circle. No injuries were reported in Accra or elsewhere (see Sections 1.c. and 2.b.).

The Government convened a committee to investigate reports that a gold-miners' strike in May 1999 was instigated by persons not employed by the mine. The committee completed its report in September 1999, but the conclusions were not made public by year's end.

Unions have the right to affiliate with international bodies. The TUC is affiliated with the Organization of African Trade Union Unity headquartered in Accra and is also a member of the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engage in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiate together through a tripartite commission to set minimum standards for wages and working conditions. A July 25 trade union demonstration (see Section 6.a.) resulted from trade unions' accusations that they had not been consulted adequately in the Government's deliberations on the minimum wage. The Government argued that the unions had been included in tripartite dialog on the issue. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

There is legislation that authorizes export processing zones (EPZ's), and a few EPZ's are in operation. Existing labor law applies in any EPZ, including the right to organize.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits slavery, and the law also prohibits forced or bonded labor, including that performed by children; however, at least 2,200 women and girls are bound to shrines through the localized Trokosi system (see Section 5). Forced labor also occurs at the camps in the north for women accused of witchcraft (see Section 5). Apart from the Trokosi system, it is difficult to determine the extent to which forced or bonded labor by children is practiced. In April the ILO commissioned the African Center for Human Development, a local NGO, to conduct a survey of the child labor situation. The NGO found that child labor and child trafficking are widespread in the informal labor sec-

tor, especially in larger cities and border areas. The country is both a source and a destination country for trafficked children (see Section 6.f.). The NGO noted that law enforcement officials expressed a "complete disregard" for child labor and trafficking issues. The study recommended that law enforcement officials be tasked with monitoring and combating child labor and child trafficking.

According to government labor officials, child labor problems do not exist in the formal labor sector because "exploitive child labor" (defined as that which deprives a child of health, education, or development) is prohibited. However, many problems still exist in the informal sector. NGO's report that children as young as age 7 work illegally as porters, domestic servants, "hawkers," rock-breakers in quarries, small-scale miners, farmers, and fishermen. They are paid poorly, if at all, and sometimes are molested or abused. They seldom receive sufficient food or health care, and do not attend school.

There have been newspaper reports of children being sold into slavery for either sexual exploitation or labor, such as 10- to 12-year-old boys toiling in the service of fisherman in exchange for a yearly remittance to their families. A June 1999, report described this practice as rampant in 156 fishing villages along the Afram River and settlements along the Volta Lake in the Afram plains (see Section 6.f.). The ILO continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Labor legislation sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school-age children were employed for wages and another 15 percent work without remuneration (see Sections 6.c. and 6.f.). In August the Ministry of Employment and Social Welfare estimated that 18,000 children are working in Accra and 800,000 countrywide. Of those, 70 percent have no education while 21 percent only have a primary education.

The migration of children from rural to urban areas is increasing, due to economic hardship. Children are driven to the streets to fend for themselves, increasing child labor and the school dropout rate. Another ILO study in 1992 and 1993 found that almost 90 percent of the surveyed street children in Accra did not attend school. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help support their families. A 1996 ILO survey revealed that the economic activity of more than 75 percent of children between ages 5 and 14 takes place in the context of a family enterprise.

In late 1998, the President signed into law legislation to provide additional child labor protection and strengthen the punishment for violators under a comprehensive children's act. The act incorporates the existing labor legislation's minimum age for employment and prohibitions on night work and hazardous labor. In addition, the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators are increased considerably. In May Parliament ratified ILO Convention 182 concerning the elimination of the worst forms of child labor.

On March 1, the Government signed a memorandum of understanding with the ILO to inaugurate the International Program on the Elimination of Child Labor (IPEC) in Ghana. Implementation of the IPEC began during the year; a national coordinator and steering committee were established, and the Government's statistical service was conducting a national survey of the child labor problem.

In May the acting executive secretary of the Ghana National Commission on Children (GNCC) expressed concern about the increasing use of child labor in fishing enterprises, and advocated greater law enforcement of child labor laws. She appealed to parents and fishing communities to combat the practice.

Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each workplace annually and make spot checks whenever they receive allegations of violations.

The law prohibits forced or bonded labor, including that performed by children; however, at least 2,200 women and girls are bound to shrines through the Trokosi system and children are trafficked into and from the country (see Sections 5, 6.c., and 6.f.).

There were media reports of children being sold into slavery for either sexual exploitation or labor (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. In November the daily minimum wage increased from about \$.42 (2,900 cedis) to about \$.62 (4,200 cedis), but is still insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commercial activities. Trade unions are lobbying the Government to increase the minimum wage to \$.81 (5,500 cedis) and argue that an eventual minimum of a \$1.00 (6,800 cedis) a day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days. Through collective bargaining, however, the basic workweek for most unionized workers is 40 hours. In July 1999, the Government began compensating extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

*f. Trafficking in Persons.*—There are no laws that specifically address trafficking in persons, and trafficking in persons is a problem.

The country is both a source and a destination country for trafficked children. A local NGO noted that law enforcement officials expressed a "complete disregard" for child labor and trafficking issues (see Section 6.c.). Law enforcement officials also have a difficult time identifying persons who are being trafficked because of the fluid nature of family relations in the country e.g. a friend often is called a "cousin," and an older woman an "aunt," even if there is no blood relation. Trafficking's most common form involved teenage girls from the rural areas being sent by relatives to work in the cities as housemaids for little remuneration. Often an assurance is given that after several years' service, the housemaid would be sponsored to train in dressmaking or hairdressing. However, often an excuse is found to fire the housemaid before such apprenticeship begins. Over 100 boys were reportedly contracted out to Lake Volta fishermen (see Sections 6.c. and 6.d.). There were also reports of children abducted to work either in the country or in neighboring countries. Young persons (girls and boys) are lured into prostitution and hard labor in Cote d'Ivoire, Togo, Benin, and Nigeria on the pretext of finding work in agriculture or as domestic help. Women reportedly are also drafted into prostitution in Germany and the Netherlands. Citizens reportedly were lured to the Middle East, particularly to Lebanon, to work illegally in menial jobs. Traffickers in persons from other countries also reportedly used Accra as a transit point to Europe.

In May two men who had attempted to sell two young men into forced labor for \$9,100 (50 million cedis) each were remanded to prison custody and charged with "slave dealings." The case was pending in court at year's end. In June the Government repatriated 180 citizens, mostly girls, who were stranded in Lebanon as indentured servants. These girls were told that they were to work as household help to Lebanese families; upon arrival in Lebanon their documents and money were stolen and some of the women were beaten.

A local NGO in the north conducts rehabilitation programs for women who have been trafficked. The NGO provides counseling and training in professions such as sewing and hairdressing to give them a source of income. The NGO also carries out a public information program about the dangers of trafficking and prostitution.

## GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d'etat in the country's history, first as head of a military junta, and since 1994 as a civilian president elected in 1993. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of the National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the number required to amend the Constitution. Although